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HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No.78**

**Tuesday, October 27, 1998**

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**ORDER OF THE DAY:**

Consideration of Chapter 4 of the 1998 Report of the Commissioner of the Environment and Sustainable Development (Canada's Biodiversity Clock is Ticking) and The Canadian Biodiversity Strategy

**WITNESSES:**

*Agriculture and Agri-Food Canada:*

Brian Morrissey, Assistant Deputy Minister.

*Canadian Biodiversity Institute:*

F.W. Schueler, Associate.

*Canadian Museum of Nature:*

Mark Graham, Director of Research.

*Department of Fisheries and Oceans:*

Howard Powles, Acting Director, Fisheries Research Branch.

*Department of the Environment:*

Karen Brown, Assistant Deputy Minister, Environmental Conservation Service.

*Environment Canada:*

John Herity, Director, Biodiversity Convention Office.



*Natural Resources Canada:*

Yvan Hardy, Assistant Deputy Minister, Canadian Forest Service.

*Office of the Auditor General of Canada:*

Wayne Cluskey, Principal, Audit Operations;

Brian Emmett, Commissioner of Environment and Sustainable Development.



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## MINUTES OF PROCEEDINGS

Meeting No. 78

Tuesday, October 27, 1998

The Standing Committee on Environment and Sustainable Development met at 9:05 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Yvon Charbonneau, Bill Gilmour, John Herron, Joe Jordan, Karen Kraft Sloan, David Pratt, Paddy Torsney.

*Acting Members present:* Peter Adams for Sarkis Assadourian, Pierre De Savoye for Jocelyne Girard-Bujold, John Duncan for Rick Casson, Clifford Lincoln for Roger Gallaway.

*In attendance: From the Library of Parliament:* Christine Labelle, Research Officer.

*Witnesses:* From the **Office of the Auditor General of Canada:** Brian Emmett, Commissioner of the Environment and Sustainable Development; Wayne Cluskey, Principal, Audit Operations. From **Environment Canada:** Karen Brown, Assistant Deputy Minister, Environmental Conservation Service; John Herity, Director, Biodiversity Convention Office. From the **Canadian Museum of Nature:** Dr. Mark Graham, Director of Research. From the **Canadian Biodiversity Institute:** Dr. F.E. Schueler, Associate. From **Agriculture and Agri-Food Canada:** Dr. Brian Morrissey, Assistant Deputy Minister, Research Branch. From **Natural Resources Canada:** Dr. Yvan Hardy, Assistant Deputy Minister, Canadian Forest Service. From **Fisheries and Oceans:** Howard Powles, Acting Director, Fisheries Research Branch.

Pursuant to Standing Order 108(2), the Committee commenced consideration of Chapter 4 of the 1998 Report of the Commissioner of the Environment and Sustainable Development (Canada's Biodiversity Clock is Ticking) and The Canadian Biodiversity Strategy.

The witnesses made opening statements and, with Wayne Cluskey, answered questions.

Yvon Charbonneau gave notice of a motion on managing federal biodiversity strategies.

At 11:42 o'clock a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee







HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No.79**

**Tuesday, November 3, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Department of the Environment:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 79

Tuesday, November 3, 1998

The Standing Committee on Environment and Sustainable Development met at 9:18 a.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Peter Adams for Sarkis Assadourian and John Finlay for Sarkis Assadourian.

*Other Member present:* Clifford Lincoln.

*In attendance:* From the Library of Parliament: Monique Hébert and Christine Labelle, Research Officers. From the Committees and Legislative Services Directorate: Paulette Nadeau and Marc Toupin, Legislative Clerks.

*Witnesses:* From **Environment Canada**: Harvey Lerer, Director General, CEPA Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53)

The Committee discussed Procedural Guidelines for clause by clause study of the bill.

The witnesses answered questions.

Consideration of the Preamble and Clause 1 were postponed, pursuant to Standing Order 75(1).

By unanimous consent, Clauses 2 to 356 and Schedules 1 to 6 were allowed to stand.

At 10:25 a.m., the Chair called the Preamble.

Debate arose thereon.

At 11:04 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 80**

**Wednesday, November 4, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office.

*Resource Futures International:*

John Moffatt, Consultant.





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## MINUTES OF PROCEEDINGS

Meeting No. 80

Wednesday, November 4, 1998

The Standing Committee on Environment and Sustainable Development met at 3:43 p.m. this day, in Room 371, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Paul Forseth, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Lynne Myers for Roger Gallaway, Gar Knutson for Sarkis Assadourian, Pierre de Savoye for Jocelyne Girard-Bujold, Peter Stoffer for Rick Laliberté.

*Other Member present:* Clifford Lincoln.

*In attendance: From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses :* From **Environment Canada**: Harvey Lerer, Director General, CEPA Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services; Steve Mongrain, Canadian Environmental Protection Act Office.

The Committee resumed its consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings, dated May 14, 1998, Meeting No. 53)

The Committee resumed Clause-by-Clause consideration of the Bill.

By unanimous consent, Clifford Lincoln was authorised to move motions submitted in his name to the Clerk prior to the meeting.

At 3:58 p.m., the Committee considered Clause 2.

John Herron moved, - That Clause 2, be amended by striking out line 6 on page 3 and substituting the following therefore:

"(a) take effective preventive and reme-"

After debate, the question was put on motion and it was negatived.

Rick Laliberté moved, - That Clause 2, be amended by striking out line 15 on page 3 and substituting the following therefore:

"(d) act in cooperation with"

After debate, the question was put on the motion and it was negatived.

Clifford Lincoln moved, - That Clause 2, be amended by striking out lines 27 to 29 on page 3 and substituting the following therefore:

"(i) apply knowledge, including traditional aboriginal knowledge, science and technology to identify and resolve environmental problems;"

After debate, the question was put on the motion and it was agreed to.

Rick Laliberté moved, - That Clause 2, be amended by striking out lines 22 and 23 on page 3 and substituting the following therefore:

"(g) establish the highest standards of environmental quality;"

After debate, the question was put on the motion and it was negated.

Pierre de Savoye moved, - That Clause 2, be amended by striking out line 30 and substituting the following therefore:

"(j) protect the environment,"

After debate, the question was put on the motion and it was negated.

Rick Laliberté moved, - That Clause 2, be amended by striking out line 33 on page 3 and substituting the following therefore:

"(k) act expeditiously to assess"

After debate, the question was put on the motion and it was negated.

At 5:07 p.m., the sitting was suspended.

At 5:13 p.m., the sitting resumed.

Pierre de Savoye moved, - That Clause 2, be amended by striking out lines 6 and 7 on page 4 and substituting therefore:

"(m) ensure that all areas of federal regulation"

After debate, the question was put on the motion and it was negated.

Pierre de Savoye moved, - That Clause 2, be amended by striking out line 13 on page 4 and substituting the following therefore:

"(n) exercise its power to"

After debate, the question was put on the motion and it was negated.

Clifford Lincoln moved, - That Clause 2, be amended by striking out in the English version, line 15 on page 4 and substituting therefore:

"coordinated and effective manner, and"



After debate, the question was put on the motion and it was negatived.

At 5:55 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 81**

**Tuesday, November 17, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**


*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 81

Tuesday, November 17, 1998

The Standing Committee on Environment and Sustainable Development met at 9:30 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Ian Murray for Sarkis Assadourian, Claudette Bradshaw for Yvon Charbonneau, John Richardson for Yvon Charbonneau, Mac Harb for Roger Gallaway, Janko Peric for Roger Gallaway.

*Other Members present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate:* Marc Toupin and Paulette Nadeau, Legislative Clerks. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager; CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53)

The Committee discussed the procedural acceptability of amendments.

The Committee resumed to Clause-by-Clause consideration of the Bill.

Duncan Cameron and Harvey Lerer answered questions.

By unanimous consent, Clause 2 was allowed to stand.

At 9:50 a.m., the Committee considered Clause 3.

### **On Clause 3.**

Rick Laliberté moved, - That, Clause 3, be amended

(a) by striking out line 25 on page 5 and substituting the following therefore:

"property,"

(b) by striking out line 29 on page 5 and substituting the following therefore:

"to its use by humans, animals or plants: or

(f) interferes with normal climatic procedures;"

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 3, be amended by adding after line 14 on page 6 the following:

"enforcement officer"

""enforcement officer" means a person or a member of a class of persons designated as an enforcement officer under section 217."

After debate, the question was put on the amendment and it was agreed to.

**On Clauses 95, 96, 130, 153, 169, 179, 201, 202, 212, 213, 218, 223, 225, 229, 235, 237, 239, 241, 310.**

By unanimous consent, Paddy Torsney moved, - That Bill C-32 be amended by striking out the word "inspector", and substituting therefore the words "enforcement officer" at the following places:

(a) Clause 95:

- i. page 66, line 11
- ii. page 66, line 14
- iii. page 66, lines 43-44
- iv. page 67, line 11
- v. page 67, line 14
- vi. page 67, line 19

(b) Clause 96, page 67, line 43

(c) Clause 130, page 96, lines 17-18

(d) Clause 153, page 107, line 20

(e) Clause 169:

- i. page 119, line 33
- ii. page 119, line 36
- iii. page 120, line 14
- iv. page 120, line 26
- v. page 120, line 29
- vi. page 120, line 34

(f) Clause 179:

- i. page 126, line 29
- ii. page 126, line 32
- iii. page 127, line 12



- iv. page 127, line 24
- v. page 127, line 27
- vi. page 127, line 32

(g) Clause 201:

- i. page 139, line 15
- ii. page 139, line 18
- iii. page 139, line 44
- iv. page 140, line 3
- v. page 140, line 6
- vi. page 140, line 11

(h) Clause 202, page 140, line 33

(i) Clause 212:

- i. page 149, line 20
- ii. page 149, line 22
- iii. page 150, line 4
- iv. page 150, line 10
- v. page 150, line 18

(j) Clause 213, page 150, line 39

(k) Clause 218:

- i. page 153, line 33
- ii. page 153, line 34
- iii. page 154, line 37
- iv. page 155, line 13
- v. page 155, line 25
- vi. page 155, line 32
- vii. page 155, line 36
- viii. page 156, line 14
- ix. page 156, line 25
- x. page 156, line 34
- xi. page 157, line 13
- xii. page 157, line 18
- xiii. page 157, line 21
- xiv. page 157, line 25
- xv. page 157, line 40

(l) Clause 223:

- i. page 161, line 2
- ii. page 161, line 5
- iii. page 161, line 11
- iv. page 161, line 16
- v. page 161, line 21
- vi. page 161, line 28
- vii. page 161, line 29
- viii. page 162, line 3
- ix. page 162, line 8
- x. page 162, line 24

- xi. page 162, line 27
- xii. page 162, line 31

(m) Clause 225:

- i. page 164, line 8
- ii. page 164, line 13

(n) Clause 229:

- i. page 166, line 1
- ii. page 166, line 6

(o) Clause 235:

- i. page 169, line 20
- ii. page 169, line 28
- iii. page 170, line 45
- iv. page 171, lines 6-7
- v. page 171, line 8

(p) Clause 237:

- i. page 172, line 13
- ii. page 172, line 16
- iii. page 172, line 28

(q) Clause 239:

- i. page 172, line 42
- ii. page 173, line 1

(r) Clause 241:

- i. page 174, line 23
- ii. page 174, line 37
- iii. page 174, line 41
- iv. page 175, line 6
- v. page 175, line 8

(s) Clause 310:

- i. page 200, line 20
- ii. page 200, line 23

After debate, the question was put on the amendment and it was agreed to.

**On Clause 3.**

Paddy Torsney moved, - That Clause 3, be amended by striking out lines 20 to 22 on page 8.

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 3, be amended by striking out lines 23 to 25 on page 8.

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 3, be amended by striking out line 32 on page 8 and substituting the following therefore:

"cesses, practices, materials, products, substances or en-"

After debate, the question was put on the amendment and it was agreed to.

Rick Laliberté moved, - That, Clause 3, be amended by striking out lines 33 and 34 on page 8 and substituting the following therefore:

"ergy that avoid, minimize or eliminate the creation of pollutants and waste and that may include recycling, changes in treatment processes, regulatory mechanisms, effective use of resources, the principle of toxic substance use reduction, material substitution or other methods to reduce the overall"

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That, Clause 3, be amended by

(a) striking out line 19 on page 9 and substituting the following therefore:

"reaction,"

(b) striking out lines 25 to 31 on page 9 and substituting the following therefore:

"ents, and

(e) any mixture that is a combination of substances and does not itself produce a substance that is different from the substances that were combined,

and, except for the purposes of sections 66, 80 to 89 and 104 to 115, includes"

After debate, the question was put on the amendment and it was agreed to.

Clause 3 as amended, carried.

Clause 4 carried.

Clause 5 carried.

#### **On Clause 6.**

John Herron moved, - That, Clause 6, be amended by striking out after line 12 on page 11 and substituting the following therefore:

"(1.1) On giving its advice and recommendations, the Committee shall use the precautionary principle."



After debate, the question was put on the amendment and was agreed to.

Paddy Torsney moved, - That, Clause 6, be amended by striking out lines 32 and 33 on page 11 and substituting the following therefore:

"Saskatchewan, Alberta, the Northwest Territories and Nunavut,"

After debate, the question was put on the amendment and was agreed to.

Bill Gilmour moved, - That, Clause 6, be amended by striking out after line 38 on page 11 and substituting the following therefore:

"(2.1) The representative of a provincial government shall be selected by that government.

(2.2) Subject to subsection (3), the representative of aboriginal governments shall be selected by the aboriginal governments he or she represents.

(2.3.) Subject to subsection (3), the representative of Inuit aboriginal governments shall be selected by those governments."

After debate, the question was put on the amendment and it was agreed to.

Clause 6 as amended, carried.

Clause 7 carried.

Clause 8 carried.

#### **On Clause 9.**

Jocelyne Girard-Bujold moved, - That, Clause 9, be amended by striking out lines 19 to 22 on page 12 and substituting the following therefore:

"9. (1) The Minister shall negotiate with a government or with an aboriginal people with a view to entering into an agreement with respect to the administration of this Act."

By unanimous consent, the amendment was allowed to stand.

By unanimous consent, Clause 9 was allowed to stand.

#### **On Clause 10.**

John Herron moved, - That, Clause 10, be amended

(a) by striking out line 39 on page 13 and substituting the following therefore:

"(a) provisions that are equivalent in intent and effect to a"

(b) by striking out line 42 on page 13 and substituting the following therefore:

"(b) provisions that are similar in intent and effect to section 17"

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That, Clause 10, be amended by

a. striking out line 41 on page 13 and substituting the following therefore:

"to in subsection (1) or (2);"

b. striking out line 5 on page 14 and substituting the following therefore:

"the government,

- a. provisions that are equivalent to sections 22 to 42 for environmental protection actions under environmental legislation of that jurisdiction, and
- b. provisions that are equivalent to sections 16, 96, and 202 regarding voluntary reports under environmental legislation of that jurisdiction,

the Governor in Council may, on the recommendation of the Minister, make an order declaring that the provisions of the regulation do not apply in the area under the jurisdiction of the government."

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 10, be amended by adding after line 28 on page 14 the following:

"(7.1) After an agreement referred to in subsection (3) has been entered into, the Minister shall pay the government, on June 1 of each and every year, financial compensation equal to the costs incurred by the government, in the previous fiscal year,

- a. for the implementation of policies, programs or projects to which the agreement referred to in subsection (3) applies; and
- b. for the investigation of alleged offences under environmental legislation of that jurisdiction."

#### RULING BY THE CHAIR

"The proposed amendment would require the Federal Government to provide financial compensation to a government with which it has entered into an agreement pursuant to clause 10, subsection (3).

According to Beauchesne, 6<sup>th</sup> Edition, Citation 698(7):

"An amendment is out of order if it imposes a charge upon the Public Treasury, if it extends the objects and purposes, or relaxes the conditions and qualifications as expressed in the Royal Recommendation."

In consequence, I regretfully have to rule the amendment out of order."

By unanimous consent, Roger Gallaway moved, - That Clause 10, be amended by striking out lines 39 to 42 on page 13 and substituting the following therefore:

"(a) provisions that are equivalent in their application and effects to a regulation made under a provision referred to in subsection (1) or (2), and

(b) provisions that are similar in their application and effects to section 17"

After debate, the question was put on the amendment and it was negatived.

Clause 10 carried.

Clause 11 carried.

**On Clause 12.**

Jocelyne Girard-Bujold moved, - That, Clause 12, be amended by striking out line 4 on page 15 and substituting the following therefore:

"be called the Environmental Registry, including an index of aboriginal related matters concerning the protection of the environment from the Minister of Indian Affairs and Northern Development, for the"

After debate, the question was put on the amendment and it was negatived.

Clause 12 carried.

At 11:03 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 82**

**Wednesday, November 18, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

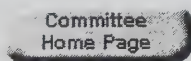
*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;  
Karen Lloyd, Manager, CEPA Office;  
Steve Mongrain, Senior Policy Analyst, CEPA Office.

*Resource Futures International:*

John Moffat, Consultant.





## MINUTES OF PROCEEDINGS

Meeting No. 82

Wednesday, November 18, 1998

The Standing Committee on Environment and Sustainable Development met at 3:41 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Ian Murray for Sarkis Assadourian, Peter Adams for Roger Gallaway, Gar Knutson for Joe Jordan.

*In attendance: From the Library of Parliament:* Monique Hébert, Research Officer. *From the Committees and Legislative Services Directorate:* Marc Toupin and Paulette Nadeau, Legislative Clerks. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. *(See Minutes of Proceeding, dated Wednesday, May 14, 1998, Meeting No. 53)*

The Committee resumed to Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

At 3:46 p.m., by unanimous consent, the Committee reverted to Clause 9, which had been allowed to stand and the amendment of Jocelyne Girard-Bujold, - That, Clause 9, be amended by striking out lines 19 to 22 on page 12 and substituting the following therefore:

"9. (1) The Minister shall negotiate with a government or with an aboriginal people with a view to entering into an agreement with respect to the administration of this Act."

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 9 be amended by adding after line 18 on page 13 the following:

"(9) No agreement made under this section shall limit or restrict, the carrying out of any action the Minister deems necessary for the administration and enforcement of this Act, including the conduct of inspections or investigations."

After debate, the question was put on the amendment and it was agreed to.



Clause 9, as amended, carried.

Clause 13 was allowed to stand.

Clause 14 carried.

Clause 15 carried.

**On Clause 16.**

Paddy Torsney moved, - That Clause 16 be amended by striking out line 7 on page 16 and substituting the following therefore:

"an enforcement officer or any person to"

The question was put on the amendment and it was agreed to.

By unanimous consent, Clause 16, as amended was allowed to stand.

**On Clause 17.**

Karen Kraft Sloan moved, - That Clause 17 be amended

- a. by striking out lines 35 and 36 on page 16 and substituting the following therefore:

"17. (1) A person resident in Canada who is a corporation or an individual at least 18 years of age may apply"

- b. by striking out line 38 on page 16 and substituting the following therefore:

"offence under this Act that the corporation or individual"

- c. by striking out line 2 on page 17 and substituting the following therefore:

"years old or a corporation and is a resident of Canada;"

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 17 be amended

- a. by striking out lines 35 and 36 on page 16 and substituting the following therefore:

"17. (1) An applicant who is at least 18 years of age or a corporation and who is a resident of Canada may apply"

- b. by striking out line 2 on page 17 and substituting the following therefore:

"years old or a corporation and a resident of Canada;"

After debate, the question was put on the amendment and it was negatived.

John Herron moved, - That Clause 17 be amended

- a. by striking out lines 35 to 39 on page 16 and substituting the following therefore:

"17. (1) An individual who is at least 18 years of age and who is a resident of Canada, or a corporation resident in Canada, may apply to the Minister for an investigation of any offence that the individual or corporation, as the case may be, alleges has occurred."

- b. by striking out lines 1 and 2 on page 17 and substituting the following therefore:

"(b) stating that the applicant who is at least 18 years of age and a resident of Canada or a corporation that is resident in Canada;"

After debate, the question was put on the amendment and it was negatived.

Clause 17 carried.

At 4:28 p.m., the sitting was suspended.

At 4:41 p.m., the sitting resumed.

#### **On Clause 18.**

Gar Knutson moved, - That Clause 18 be amended by striking out line 15 on page 17 and substituting the following therefore:

"of the application within 20 days of the receipt and shall"

After debate, the question was put on the amendment and it was agreed to.

Clause 18, as amended, carried.

#### **On Clause 19.**

Gar Knutson moved, - That Clause 19 be amended by striking out lines 21 to 25 on page 17 and substituting the following therefore:

"applicant within 90 days on the progress of the investigation and the action, if any, that the Minister has taken or proposes to take and when the investigation has not been completed within 90 days, the Minister shall provide the applicant with a written estimate of the time required to complete the investigation."

After debate, by unanimous consent, the amendment was withdrawn.

Rick Laliberté moved, - That Clause 19 be amended by striking out line 23 on page 17 and substituting the following therefore:

"Minister has taken or proposes to take, and the Minister shall include in the report an estimate of the time required to complete the investigation or to implement the action, but a"

After debate, the question was put on the amendment and it was agreed to.

Clause 19, as amended, carried.

Clause 20 carried.

Clause 21 carried.

**On Clause 22.**

Paddy Torsney moved, - That Clause 22 be allowed to stand.

After debate, the question was put on the motion and it was by a show of hands agreed to: YEAS: 7; NAYS: 3.

**On Clause 23.**

Roger Gallaway moved, - That Clause 23 be amended by striking out lines 1 to 10 on page 19 and substituting the following therefore:

"23. (1) An environmental protection action may be brought only within a limitation period of two years beginning when the plaintiff becomes aware of the conduct on which the action is based, or should have become aware of it, but no environmental protection action shall be brought more than five years after the date on which the offence was committed.

(2) The limitation period of two years referred to in subsection (1) does not include any time following the plaintiff's application for an investigation, but before the plaintiff receives a report under subsection 21(2)."

After debate, the question was put on the amendment and it was negatived.

Bill Gilmour moved, - That Clause 23 be amended

- a. by striking out line 6 on page 19 and substituting the following therefore:

"of it, but in no case may an environmental protection action be brought five years after the day that the conduct that may be the subject of such an action, occurred."

- b. by striking out line 7 on page 19 and substituting the following therefore:

"(2) A limitation period referred to in subsection (1) does not include"

After debate, the question was put on the amendment and it was negatived.

Clause 23 carried.

**On Clause 24.**

Paddy Torsney moved, - That Clause 24 be allowed to stand.

The question was put on the motion and it was agreed to.

Clause 25 carried.

**On Clause 26.**

Paddy Torsney moved, - That Clause 26 be amended by striking out lines 35 to 37 on page 19 and lines 1 to 4 on page 20 and substituting the following therefore:

"action to the Minister no later than 10 days after the document originating the action is first served on a defendant, and the Minister shall give notice of the action in the Environmental Registry as soon as possible after receipt of the plaintiff's notice.

(2) In an environmental protection action,

- a. the court may order any party to the action to give notice to the Minister of any matter relating to the action, within the time specified by the court; and
- b. the Minister shall give notice of that matter in the Environmental Registry as soon as possible after receipt of the party's notice."

After debate, the question was put on the amendment and it was agreed to.

Clause 26, as amended, carried.

At 5:50 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee





HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 83**

**Thursday, November 19, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office.

*Resource Futures International:*

John Moffatt, Consultant.



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## MINUTES OF PROCEEDINGS

Meeting No. 83

Thursday, November 19, 1998

The Standing Committee on Environment and Sustainable Development met at 9:12 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Stan Keyes for Sarkis Assadourian, Michel Guimond for Gérard Asselin, John Richardson for Aileen Carroll, Nelson Riis for Rick Laliberté.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings*, dated Wednesday, May 14, 1998, Meeting No. 53)

The Committee resumed to Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 27.**

Bill Gilmour moved, - That Clause 27 be amended by striking out line 8 on page 20 and substituting the following therefore:

"action within 20 days after first serving the"

After debate, the question was put on the amendment and it was agreed to.

Bill Gilmour moved, - That Clause 27 be amended by striking out line 9 on page 20 and substituting the following therefore:

"document on a defendant, unless the Attorney General of Canada has already been served with a copy of the document because Her Majesty in right of Canada is a defendant in the action."

After debat, the question was put on the amendment and it was negatived.



Roger Gallaway moved, - That Clause 27 be amended by striking out lines 10 to 21 on page 20 and substituting the following therefore:

"(2) Where the plaintiff has served the Attorney General of Canada with a copy of the document originating an environmental protection action under subsection (1), the Attorney General of Canada shall participate in the action as a party and, in this capacity, has the same rights and obligations as any other party has under the rules of the court.

(3) Subsection (1) does not apply to the plaintiff where the Attorney General of Canada, on behalf of Her Majesty in right in Canada, has already been served as a defendant with a copy of the document originating an environmental protection action."

After debat, the question was put on the amendment and it was negatived.

Clause 27, as amended, carried.

Clause 28 carried.

Clause 29 carried.

#### **On Clause 30.**

Karen Kraft Sloan moved, - That Clause 30 be amended by striking out lines 36 to 44 on page 20 and lines 1 to 4 on page 21 and substituting the following therefore:

"(a) the defence that the alleged conduct is authorized by or under an Act of Parliament;  
and

(b) except with respect to Her Majesty in right of Canada or a federal source, the defence that the alleged conduct is authorized by or under a law of a government that is the subject of an order made under subsection 10(3)."

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 30 be amended by striking out lines 2 to 4 on page 21 and substituting the following therefore:

"subsection 10(3)."

After debate, the question was put on the amendment and it was negatived.

Clause 30 carried.

#### **On Clause 31.**

Karen Kraft Sloan moved, - That Clause 31 be amended by striking out line 13 on page 21 and substituting the following therefore:

"law and where an undertaking to pay damages is imposed, the amount of damages shall not exceed \$500."

By unanimous consent, the amendment was allowed to stand.

Clause 31 was allowed to stand.

**On Clause 32.**

Jocelyne Girard-Bujold moved, - That Clause 32 be amended by striking out lines 27 and 28 on page 21 and substituting the following therefore:

"raised in the action."

After debate, the question was put on the amendment and it was negatived.

Clause 32 carried.

Clause 33 carried.

Clause 34 carried.

Clause 35 carried.

Clause 36 carried.

Clause 37 carried.

**On Clause 38.**

Karen Kraft Sloan moved, - That Clause 38 be allowed to stand.

The question was put on the motion and it was agreed to.

Clause 39 carried.

Clause 40 carried.

Clause 41 carried.

Clause 42 carried.

Clause 43 carried.

At 10:08 a.m., the sitting was suspended.

At 10:14 a.m., the sitting resumed.

By unanimous consent, the Committee reverted to Clause 43.

**On Clause 43.**

Nelson Riis moved - That Clause 43 be amended by adding after line 3 on page 25, the following:

""hormone disrupting substance" means a substance having the ability to disrupt the synthesis, secretion, transport, binding, action or elimination of natural hormones in an

organism that is responsible for the maintenance of homeostasis, reproduction, development or behaviour of the organism;"

After debate, the question was put on the amendment and it was agreed to.

Clause 43, as amended, carried.

**On Clause 44.**

John Herron moved, - That Clause 44 be amended by striking out line 4 on page 25 and substituting the following therefore:

"44. (1) The Minister shall"

After debate, the question was put on the amendment and it was agreed to.

Jocelyne Girard-Bujold moved, - That Clause 44 be amended by striking out line 5 on page 26 and substituting the following therefore:

"(2) The Minister shall"

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 44 be amended by striking out line 21 on page 26 and substituting the following therefore:

"(2) The Minister shall, in exercising the"

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 44 be amended by adding after line 30 on page 26 the following:

"(4) The Ministers shall conduct research or studies relating to hormone disrupting substances, methods related to their detection, methods to determine their actual or likely short-term or long-term effect on the environment and human health, and preventive, control and abatement measures to deal with those substances to protect the environment and human health.

(5) In subsection (4), "hormone disrupting substance" means an exogenous substance that causes adverse health effects in an intact organism, or its progeny, consequent to changes in endocrine function."

Debate arose thereon.

At 11:07 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 84**

**Tuesday, November 24, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

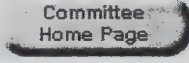
Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Senior Policy Analyst, CEPA Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 84

Tuesday, November 24, 1998

The Standing Committee on Environment and Sustainable Development met at 9:14 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Gérard Asselin, Charles Caccia, Aileen Carroll, Rick Casson, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Hector Cloutier for Sarkis Assadourian, Gar Knutson for Roger Gallaway, John Finlay for Yvon Charbonneau, Peter Adams for David Pratt, Clifford Lincoln for Yvon Charbonneau, John Finlay for Aileen Carroll, John Finlay for David Pratt, Rey Pagtakhan for Yvon Charbonneau, Ray Bonin for David Pratt.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee discussed its future business.

Rick Casson moved - That the Minister of Environment be requested to appear before the committee at the earliest opportunity, but not later than November 26<sup>th</sup>, to address Part 3 of the Estimates and the Supplementary Estimates (B) of the Department for the fiscal year 1998-99.

The question was put on the motion and it was negatived: YEAS: 6, NAYS: 7.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53*)

John Finlay moved, That, with regard to clause by clause study of Bill C-32, the Committee extend its October 1, 1998 contract with Resource Futures International for up to 12 additional days to terminate no later than December 18, 1998 with a maximum amount of \$7200 for the extended period.

The Committee resumed to Clause-by-Clause consideration of the Bill.

### On Clause 44.

The Committee resumed consideration of Clause 44 and the amendment of Paddy Torsney, - That, Clause 44 be amended by adding line 30 on page 26 the following:

"(4) The Minister shall conduct research or studies relating to hormone disrupting substances, methods related to their detection, methods to determine their actual or likely short-term or long-term effect on the environment and human health, and preventive, control and abatement measures to deal with those substances to protect the environment and human health.

(5) In subsection (4), "hormone disrupting substance" means an exogenous substance that causes adverse health effects in an intact organism, or its progeny, consequent to changes in endocrine function."

Debate arose thereon.

By unanimous consent, Paddy Torsney moved, - That the amendment be further amended by deleting paragraph (5).

The question was put on the amendment and it was agreed to.

Clause 44, as amended, carried.

#### **On Clause 43.**

By unanimous consent, the Committee reverted to Clause 43.

By unanimous consent, Paddy Torsney moved, - That in Clause 43, as amended, the words "or its progeny" be inserted between the word "organism" and the word "that".

The question was put on the amendment and it was agreed to.

Clause 43, as amended, carried.

#### **On Clause 45.**

John Herron moved, - That Clause 45 be amended by striking out line 31 on page 26 and substituting the following therefore:

"45. The Minister of Health shall"

After debate, the question was put on the amendment and it was agreed to.

Clause 45 as amended, carried.

#### **On Clause 46.**

Karen Kraft Sloan moved, - That Clause 46 be amended by striking out line 30 on page 27 and substituting the following therefore:

"(f) substances that may cause or contribute to"

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 46 be amended by striking out line 33 on page 27 and substituting the following therefore:

"(g) substances or fuels that may contribute"

After debate, the question was put on the amendment and it was agreed to.

Clause 46 as amended, carried.

**On Clause 47.**

It was agreed, - That Clause 47 be allowed to stand.

**On Clause 48.**

It was agreed, - That Clause 48 be allowed to stand.

Clause 49 carried.

Clause 50 carried.

Clause 51 carried.

Clause 52 carried.

**On Clause 53.**

Rick Laliberté moved, - That Clause 53 be amended by striking out line 42 on page 30 and substituting the following therefore:

"outweighs in importance"

After debate, the question was put on the amendment and it was agreed to.

Clause 53 as amended, carried.

**On Clause 54.**

It was agreed, - That Clause 54 be allowed to stand.

**On Clause 55.**

Bill Gilmour moved, - That Clause 55 be amended by striking out line 44 on page 32 and substituting the following therefore:

"tion (1), the Minister of Health shall offer to consult"

After debate, the question was put on the amendment and it was negatived.

Clause 55 carried.

**On Clause 56.**

Jocelyne Girard-Bujold moved, - That Clause 56 be amended by striking out lines 9 to 17 on page 33



and substituting the following therefore:

"56. (1) Where the Minister is of the opinion that a person or class of persons should prepare or implement a pollution prevention plan in respect of a substance or group of substances specified on the List of Toxic Substances in Schedule 1, the Minister shall publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice requiring the person or class of persons to prepare or implement a pollution prevention plan."

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 56 be amended by striking out line 9 on page 33 and substituting the following therefore:

"56. (1) The Minister shall"

By unanimous consent, the amendment was allowed to stand.

Aileen Carroll moved, - That Clause 56 be amended by striking out line 13 on page 33 and substituting the following therefore:

"persons described in the notice to prepare and"

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 56 be amended by striking out line 17 on page 33 and substituting the following therefore:

"Schedule 1, or to which subsection 166(1) or 176(1) applies."

After debate, the question was put on the amendment and it was agreed to.

At 11:09 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 85**

**Wednesday, November 25, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Steve Mongrain, Senior Policy Analyst, CEPA Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 85

Wednesday, November 25, 1998

The Standing Committee on Environment and Sustainable Development met at 3:34 p.m. this day, in Room 209, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Gérard Asselin, Charles Caccia, Aileen Carroll, Rick Casson, Bill Gilmour, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* John Finlay for Roger Gallaway, John Richardson for Sarkis Assadourian, Gar Knutson for Yvon Charbonneau, Clifford Lincoln for Sarkis Assadourian, John Maloney for Aileen Carroll.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53*)

Bill Gilmour gave notice of a motion concerning the submission of amendments for Bill C-32.

At 3:48 p.m., the sitting was suspended.

At 3:53 p.m., the sitting resumed.

The Committee resumed Clause-by-Clause consideration of the Bill.

At 3:53 p.m. the Committee resumed consideration of Clause 56.

### **On Clause 56.**

Rick Laliberté moved, - That Clause 56 be amended by striking out line 18 on page 33 and substituting the following therefore:

"(2) The notice shall specify"

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Karen Kraft Sloan moved, - That Clause 56 be amended by striking out line



17 on page 33 and substituting the following therefore:

"56. (1) The Minister may, at any time, publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice requiring any person or class of persons described in the notice to prepare and implement a pollution prevention plan in respect of

(a) a substance or group of substances on the List of Toxic Substances in Schedule 1; or

(b) a substance or group of substances in relation to which there has been published in the *Canada Gazette*

(i) a statement of the Ministers under paragraph 77(6)(b) indicating that the measure that they propose to take, as confirmed or amended, is a recommendation that the substance be added to the List of Toxic Substances in Schedule 1, or

(ii) a copy of an order proposed to be made under subsection 90(1)."

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Rick Laliberté moved, - That Clause 56 be amended by striking out line 9 on page 33 and substituting the following therefore:

"56. (1) The Minister shall"

After debate, the question was put on the amendment and it was negatived.

Clause 56, as amended, carried.

Clause 57 carried.

Clause 58 carried.

Clause 59 carried.

**On Clause 60.**

Gérard Asselin moved, - That Clause 60 be amended by striking out line 27 on page 35 and substituting the following therefore:

"60. (1) The Minister shall publish in the"

After debate, the question was put on the amendment and it was negatived.

Clause 60 carried.

**On Clause 61.**

Gérard Asselin moved, - That Clause 61 be amended by striking out line 3 on page 36 and substituting the following therefore:

"plan, the Minister shall publish in the *Canada*"

After debate, the question was put on the amendment and it was negatived.

Clause 61 carried.

Clause 62 was allowed to stand.

Clause 63 carried.

**On Clause 64.**

Gérard Asselin moved, - That Clause 64 be amended by striking out lines 1 to 14 on page 37 and substituting the following therefore:

"64. (1) Subject to subsection (2), "virtual elimination" means the discontinuance of the production, use, release, export, distribution or import of a substance or group of substances."

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 64 be amended by striking out lines 1 to 22 on page 37 and substituting the following therefore:

"64. For the purposes of this Part and Part 6, a substance is toxic if it is entering or may enter the environment in a quantity or concentration or under conditions that

(a) have or may have an immediate or long-term harmful effect on the environment;

(b) constitute or may constitute a danger to the environment on which human life depends; or

(c) constitute or may constitute a danger in Canada to human life or health."

After debate, the question was put on the amendment and it was agreed to.

By unanimous consent, Clause 64, as amended, was allowed to stand.

**On Clause 65.**

Paddy Torsney moved, - That Clause 65 be amended by striking out lines 23 to 34 on page 37 and substituting the following therefore:

"65. (1) In this Part, "virtual elimination" means, in respect of a toxic substance released into the environment as a result of human activity, the ultimate reduction of the quantity or concentration of the substance in the release below the level of quantification specified by the Ministers in the List referred to in subsection (2).

(2) The Ministers shall compile a list to be known as the Virtual Elimination List, and the List shall specify the level of quantification for each substance on the List.

(3) When taking steps to achieve the virtual elimination of a substance, the Ministers shall prescribe the quantity or concentration of the substance that may be released into the environment either alone or in combination with any other substance from any source or type of source, and, in doing so, shall take into account any factor or information provided for in section 91, including, but not limited to, environmental or health risks and any other relevant social, economic or technical matters."

After debate, the question was put on the amendment and it was agreed to.

John Herron moved, - That Clause 65 be amended by adding after line 34 on page 37 the following:

"65.1 In section 65, "level of quantification" means, in respect of a substance, the lowest concentration that can be accurately measured using sensitive but routine sampling and analytical methods."

After debat, the question was put on the amendment and it was agreed to.

At 5:30 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 86**

**Thursday, November 26, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Karen Lloyd, Manager, CEPA Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 86

Thursday, November 26, 1998

The Standing Committee on Environment and Sustainable Development met at 9:22 a.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for Sarkis Assadourian, John Finlay for Yvon Charbonneau, Gar Knutson for Roger Gallaway, Wayne Easter for Yvon Charbonneau, Bernard Patry for Roger Gallaway, Yves Rocheleau for Gérard Asselin.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings, dated May 14, 1998, Meeting No. 53*)

Bill Gilmour moved, - That, with regard to clause by clause study of Bill C-32, as of 9:00 a.m., Tuesday, December 1, 1998, no additional amendments be accepted by the Clerk on behalf of the Committee, unless deemed appropriate by unanimous consent.

Debate arose thereon.

The question was put on the motion and it was negatived.

At 9:38 a.m., The Committee resumed Clause-by-Clause consideration of the Bill.

Clause 65, as amended, carried.

Clause 66 carried.

**On Clause 67.**

Rick Laliberté moved, - That Clause 67 be amended

(a) striking out line 42 on page 38 and substituting the following therefore:

"67. The Governor in Council may, on the"

(b) by striking out lines 11 to 16 on page 39.

After debate, the question was put on the amendment and it was negatived.

At 10:18 a.m., the sitting was suspended.

At 10:32 a.m., the sitting resumed.

John Herron moved, - That Clause 67 be amended by striking out lines 47 and 48 on page 38 and substituting the following therefore:

"generality of the foregoing persistence, bioaccumulation, hormone disrupting ability and other chronic effects;"

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 67 be amended by inserting between the words "unless" and the words "the natural", on line 13 on page 39, the following:

"in the opinion of the Ministers"

After debate, the question was put on the amendment and it was agreed to.

Clause 67, as amended, carried.

#### **On Clause 68.**

Karen Kraft Sloan moved, - That Clause 68 be amended by striking out lines 23 to 46 on page 39 and lines 1 to 18 on page 40 and substituting the following therefore:

"one of the Ministers may

- a. collect or generate data and conduct investigations respecting any matter in relation to a substance including, without limiting the generality of the foregoing,

(i) the capacity of short-term exposure to the substance to cause significant effects,

(ii) the potential of the substance to undergo widespread involuntary exposure to organisms in the environment,

(iii) whether the substance exhibits multiple pathways of exposure to organisms,

(iv) whether exposure to the substance is inevitable due to ongoing human activity,

(v) whether the substance causes a reduction in metabolic and defensive functions of an organism,

- (vi) the probability of the substance causing delayed or latent effects over the lifetime of an organism,
  - (vii) whether the substance has the potential to cause the reproductive or survival impairment of an organism,
  - (viii) whether the presence of a substance has the potential to contribute to population failure of a species of organisms,
  - (ix) whether the substance could have transgenerational effects,
  - (x) the potential of the substance to cause disproportionate cascading effects in an organism,
  - (xi) whether the substance has the potential to cause false signals of viability in an organism,
  - (xii) quantities, uses and disposal of the substance,
  - (xiii) the manner in which the substance is released into the environment,
  - (xiv) the extent to which the substance can become dispersed and will persist in the environment, and,
  - (xv) the development and use of alternatives to the substance;
- a. provide information and make recommendations respecting any matter in relation to a substance.

68.1 The Minister shall outline annually the research needs for section 68.

By unanimous consent, the amendment was allowed to stand.

Clause 68 was allowed to stand.

#### **On Clause 69.**

Rick Laliberté moved, That Clause 69 be amended by striking out line 20 on page 40 and substituting the following therefore:

"the case may be, shall issue guidelines for the"

After debate, the question was put on the amendment and it was negatived.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles



Clerk of the Committee

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HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 87**

**Tuesday, December 1, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





## MINUTES OF PROCEEDINGS

Meeting No. 87

Tuesday, December 1st, 1998

The Standing Committee on Environment and Sustainable Development met at 9:08 a.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Gérard Asselin, Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Ian Murray for Sarkis Assadourian, Clifford Lincoln for David Pratt.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

The witnesses answered questions.

At 9:12 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

### **On Clause 69.**

By unanimous consent, Clause 69 was allowed to stand.

At 9:28 a.m., the sitting was suspended.

At 9:42 a.m., the sitting resumed.

At 9:42 a.m., by unanimous consent, the Committee reverted to Clause 67.

### **On Clause 67.**

Karen Kraft Sloan moved, - That Clause 67 be amended by striking out lines 11 to 16 on page 39.

After debate, the question was put on the amendment and it was negatived.

Clause 67, as amended, carried, on division.

Clause 70 carried.

### **On Clause 71.**

Gérard Asselin moved, - That Clause 71 be amended by striking out line 8 on page 41 and



substituting the following therefore:

"71. (1) The Minister shall, for the purpose of"

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Clause 71 was allowed to stand.

Clause 72 carried.

**On Clause 71.**

By unanimous consent, the Committee reverted to Clause 71.

The question was put on Clause 72 and it was agreed to on the following division: YEAS 6, NAYS 5.

**On Clause 73.**

Gérard Asselin moved, - That Clause 73 be amended by striking out line 31 on page 42 and substituting the following therefore:

"73. (1) The Ministers shall, on or before January 1, 2005, categorize the"

Clifford Lincoln moved that the amendment be further amended by striking out "on or before January 1, 2001" and substituting the following therefore:

"within 7 years from the giving of Royal Assent to this Act"

The question was put on the amendment to the amendment and it was agreed to.

The question was put on the amendment as amended and it was agreed to.

Gérard Asselin moved, - That Clause 73 be amended by striking out lines 35 to 43 on page 42 and substituting the following therefore:

"List that, on the basis of available information and in accordance with the regulations, are persistent or bioaccumulative, inherently toxic or have the effect of disrupting the endocrine system."

After debate, the question was put on the amendment and it was negatived.

At 11:16 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 88**

**Tuesday, December 1, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 88

Tuesday, December 1st, 1998

The Standing Committee on Environment and Sustainable Development met at 3:42 p.m. this day, in Room 371, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Shaughnessy Cohen for David Pratt, Bernard Patry for Roger Gallaway.

*Other Member present:* Clifford Lincoln

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53)

The witnesses answered questions.

At 3:44 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The Committee resumed consideration of Clause 73.

### **On Clause 73.**

Rick Laliberté moved, - That Clause 73 be amended by striking out lines 36 to 43 on page 42 and substituting the following therefore:

"available information, are persistent or bioaccumulative or inherently toxic or hormone disrupting substances, as determined by the regulations."

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 73 be amended by striking out line 38 on page 42 in the English version and substituting the following therefore:



"the greatest potential for exposure;"

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 73 be amended by striking out lines 41 to 43 on page 42 and substituting the following therefore:

"herently toxic to human beings or to non human organisms, as determined by laboratory or other studies."

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 73 be amended by adding after line 43, as amended, on page 42 the following:

"or

(c) are hormone disrupting substances."

After debate, the question was put on the amendment and it was negatived.

Clause 73, as amended, carried on division.

Clause 74 carried.

Clause 75 was allowed to stand.

#### **On Clause 76.**

Karen Kraft Sloan moved, - That Clause 76 be amended by striking out lines 1 to 8 on page 44 and substituting the following therefore:

"76. (1) The Ministers shall develop a process for prioritisation and action regarding substances identified under section 73, and the substances shall be included on a list to be known as the Priority Substances List to insure that the substances are assessed, in a timely manner, as prescribed by regulation, with regard to whether they are toxic or capable of becoming toxic."

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 76 be amended by striking out line 8 on page 44 and substituting the following therefore:

"of becoming toxic, including substances identified as referred to in subsection 73(1)."

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 76 be amended by striking out line 10 on page 44 and substituting the following therefore:

"Minister shall consult with the govern-"

After debate, the question was put on the amendment and it was negatived.

Clause 76, by unanimous consent, was allowed to stand.

**On Clause 77.**

Paddy Torsney moved, - That Clause 77 be amended in the English version only by striking out line 31 on page 45 and substituting the following therefore:

"stance to the Priority Substances List; or"

After debate, the question was put on the amendment and it was agreed to.

John Herron moved, - That Clause 77 be amended

- a. by striking out line 35 on page 45 and substituting the following therefore:

"subsection (4), virtual prohibition, or under (4.1), the total prohibition of the production, use and generation of a substance."

- b. by adding after line 21 on page 46 the following:

"(4.1) Where the Ministers propose to take the measure referred to in paragraph (2)(c) in respect of a substance and

(a) the Ministers are satisfied that

(i) the substance is persistent and bioaccumulative in accordance with the regulations,

(ii) the presence of the substance in the environment results primarily from human activity, and

(iii) the substance is not a naturally occurring radionuclide or substance, or

(b) the Ministers are satisfied that the substance is a hormone disrupting substance as determined by the regulations,

the ministers may propose the making of regulations under paragraph 93(1) (l) providing for the total prohibition of the manufacture, use, processing, sale, offering for sale, import or export of the substance or a product containing it."

At 5:24 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 89**

**Wednesday, December 2, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, CEPA Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 89

Wednesday, December 2, 1998

The Standing Committee on Environment and Sustainable Development met at 3:40 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Associate Member present:* Clifford Lincoln.

*Acting Members present:* Maud Debien for Gérard Asselin, Reg Alcock for David Pratt, Robert Bertrand for Roger Gallaway, Gar Knutson for Sarkis Assadourian, John Maloney for Roger Gallaway, Lynn Myers for David Pratt.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings*, dated Wednesday, May 14, 1998, Meeting No. 53)

The witnesses answered questions.

The Committee resumed Clause-by-Clause consideration of the Bill.

### **On Clause 77.**

At 3:43 p.m., the Committee resumed consideration of Clause 77 and the amendment of John Herron,  
- That Clause 77 be amended

- a. by striking out line 35 on page 45 and substituting the following therefore:

"subsection (4), virtual prohibition, or under subsection (4.1) the total prohibition of the production, use and generation of a substance."

- b. by adding after line 21 on page 46 the following:

"(4.1) Where the Ministers propose to take the measure referred to in paragraph (2) (c) in respect of a substance and

(a) the Ministers are satisfied that

(i) the substance is persistent and bioaccumulative in accordance with the regulations,

(ii) the presence of the substance in the environment results primarily from human activity, and

(iii) the substance is not a naturally occurring radionuclide or substance, or

(b) the Ministers are satisfied that the substance is a hormone disrupting substance as determined by the regulations,

the ministers may propose the making of regulations under paragraph 93(1) (l) providing for the total prohibition of the manufacture, use, processing, sale, offering for sale, import or export of the substance or a product containing it."

By unanimous consent, part b. was allowed to stand.

After debate, the question was put on part a. of the amendment and it was negatived.

Karen Kraft Sloan moved, - That Bill C-32, in Clause 77 be amended by striking out lines 42 to 45 on page 45 and lines 1 to 2 on page 46 and substituting the following therefore:

"(i) persistent and bioaccumulative in accordance with the regulations, and

(ii) inherently toxic to humans beings or non-human organisms, as determined by laboratory, or other studies, and"

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 77 be amended by striking out lines 2 to 5 on page 46 and substituting the following therefore:

"(b) the human activity is causing or contributing to the presence of the substance in the environment,"

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 77 be amended by adding after line 2 on page 46 the following:

"(iii) a hormone disrupting substance, as determined by the regulations,"

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 77 be amended by striking out lines 14 to 19 on page 46 and substituting the following therefore:

"tions and

- a. human activity is causing or contributing to the presence of the substance in the environment,"

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 77 be amended

- a. by striking out line 14 on page 46 and substituting the following therefore:  
"tions, and"
- b. by striking out line 17 on page 46 and substituting the following therefore:  
"activity,"
- c. by deleting lines 18 and 19 on page 46.

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, John Herron moved, - That Clause 77 be amended by adding after line 21 on page 46 the following:

"(4.1) Where the Ministers propose to take the measure referred to in paragraph (2) (c) in respect of a substance and

(a) the Ministers are satisfied that

(i) the substance is persistent and bioaccumulative in accordance with the regulations,

(ii) the presence of the substance in the environment results primarily from human activity, and

(iii) the substance is not a naturally occurring radionuclide or substance, or

(b) the Ministers are satisfied that the substance is a hormone disrupting substance as determined by the regulations,

the ministers may propose the making of regulations under paragraph 93(1) (l) providing for the total prohibition of the manufacture, use, processing, sale, offering for sale, import or export of the substance or a product containing it."

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 77 be amended

- a. by striking out lines 39 to 46 on page 46 and lines 1 to 8 on page 47 and substituting the following therefore:  
"(b) a statement indicating the measure that the Ministers propose to take; and



(c) where the measure is that referred to in paragraph (2)(c), a statement indicating the manner in which the Ministers intend to develop a proposed regulation or instrument respecting preventive or control actions in relation to the substance."

- b. by striking out line 29 on page 47 and substituting the following therefore:

"propose to take is"

After debate, the question was put on the amendment and it was agreed to.

Clause 77, as amended, carried.

Clause 78 carried.

**On Clause 79.**

Karen Kraft Sloan moved, - That Clause 79 be amended by deleting lines 5 to 9 on page 49.

After debate, the question was put on the amendment and it was negatived.

Clause 79 carried.

**On Clause 80.**

Rick Laliberté moved, - That Clause 80 be amended by adding after line 11 on page 49 the following:

"hormone disrupting substance" means a substance having the ability to disrupt the synthesis, secretion, transport, binding, action or elimination of natural hormones in an organism, or its progeny that are responsible for the maintenance of homeostasis, reproduction, development or behaviour of the organism;"

After debate, the question was put on the amendment and it was negatived.

Clause 80 carried.

**On Clause 81.**

Paddy Torsney moved that Clause 81 be allowed to stand.

The question was put on the motion and it was agreed to on division.

Clause 81 was allowed to stand.

Clause 82 carried.

**On Clause 83.**

Rick Laliberté moved, - That Clause 83 be amended by striking out line 47 on page 53 and substituting the following therefore:

"toxic or whether it is a hormone disrupting substance."

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 83 be amended by striking out line 6 on page 54 and substituting the following therefore:

"becoming toxic or whether it is a hormone disrupting substance."

After debate, the question was put on the amendment and it was negatived.

At 5:49 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 90**

**Thursday, December 3, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 90

Thursday, December 3, 1998

The Standing Committee on Environment and Sustainable Development met at 9:13 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Brent St-Denis for Sarkis Assadourian, Bob Kilger for David Pratt, Clifford Lincoln for Karen Kraft Sloan, Beth Phinney for Yvon Charbonneau, Beth Phinney for David Pratt.

*In attendance:* From the Committees and Legislative Services Directorate : Marc Toupin and Paulette Nadeau. From the Library of Parliament: Monique Hébert, Research Officer. From Resources Futures International: John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53)

The witnesses answered questions.

At 9:14 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

Clause 84 was allowed to stand.

### **On Clause 85.**

Paddy Torsney moved, - That Clause 85 be amended by striking out lines 39 to 42 on page 55 and substituting the following therefore:

"ing toxic, the Minister may, before the expiry of the period for assessing the information, publish in the *Canada Gazette*, and in any other manner that"

After debate, the question was put on the amendment and it was agreed to.

At 9:18 a.m., the sitting was suspended.

At 9:39 a.m., the sitting resumed.

Clause 85, as amended, carried.

Clause 86 carried

**On Clause 84.**

The Committee reverted to Clause 84.

Rick Laliberté moved, - That Clause 84 be amended

- a. by striking out line 35 on page 54 and substituting the following therefore:

"becoming toxic or that it is a hormone disrupting substance, the Minister may, before the"

- b. by striking out line 48 on page 54 and substituting the following therefore:

"becoming toxic or whether it is a hormone disrupting substance."

The question was put on the amendment and it was negatived on the following division:

YEAS - 5

Yvon Charbonneau

Clifford Lincoln

Jocelyne Girard-Bujold

Rick Laliberté

John Herron

NAYS - 7

Brent St-Denis

Aileen Carroll

Roger Gallaway

Joe Jordan

Beth Phinney

Paddy Torsney

Bill Gilmour

Rick Laliberté moved, - That Clause 84 be amended by striking out line 13 on page 55 and substituting the following therefore:

"(3) The Minister may, by order, vary or rescind a"

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, That Clause 84 be amended by striking out line 20 on page 55 and substituting the following therefore:

"years, the Minister publishes in"

After debate, the question was put on the amendment and it was negatived.

Clause 84 carried.

**On Clause 87.**

Joe Jordan moved, - That Clause 87 be amended by adding after line 9 on page 57 the following:

"(2.1) The Ministers shall examine the substances that are on the Domestic Substances List by virtue of section 66 to determine whether an amendment should be made to the List to indicate that subsection 81(3) applies with respect to those substances."

Debate arose thereon.

Clifford Lincoln moved that the amendment be further amended by inserting between the words "examine" and "the" the following:

"within two years of the giving of Royal Assent to this Act"

Debate arose thereon.

At 10:52 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee





HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 91**

**Tuesday, December 8, 1998**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services, CEPA Office;

Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 91

Tuesday, December 8, 1998

The Standing Committee on Environment and Sustainable Development met at 9:17 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Nancy Karetok-Lindell for Roger Gallaway, Alex Shepherd for Roger Gallaway.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin and Paulette Nadeau. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53*)

It was agreed, - That representatives of the aquaculture industry from both coasts and environmental organisations having studied the industry, be called to testify on Bill C-32 at the first sitting of the Committee in February, 1999.

The witnesses answered questions.

The Committee resumed Clause-by-Clause consideration of the Bill.

At 9:23 a.m., the Committee resumed consideration of Clause 87 and the amendment of Joe Jordan, - That Clause 87 be amended by adding after line 9 on page 57 the following:

"(2.1) The Ministers shall examine the substances that are on the Domestic Substances List by virtue of section 66 to determine whether an amendment should be made to the List to indicate that subsection 81(3) applies with respect to those substances."

And the amendment on the amendment of Clifford Lincoln, - That the amendment be further amended by inserting between the words "examine" and "the" the following:

"within two years of the giving of Royal Assent to this Act"

Debate arose thereon.

By unanimous consent, the amendment and the amendment on the amendment were withdrawn and the Committee reverted to Clause 73.

**On Clause 73.**

By unanimous consent, Joe Jordan moved, - That Clause 73 be amended by

- a. striking out in the English version, line 1 on page 43 and substituting the following therefore:

"(2) Where available"

- b. adding after line 8 on page 43 the following:

"(3) When categorizing substances under subsection (1), the Ministers shall examine the substances that are on the Domestic Substances List to determine whether an amendment should be made to the List to indicate that subsection 81(3) applies with respect to those substances."

After debate, the question was put on the amendment and it was agreed to.

John Herron moved, - That Clause 73 be amended by adding after line 8 on page 43 the following:

"endocrine disrupting substance" means a substance having the ability to disrupt the synthesis, secretion, transport, binding, action or elimination of natural hormones in an organism that are responsible for the maintenance of homeostasis, reproduction, development or behaviour of the organism."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 4

John Herron

Rick Laliberté

Jocelyne Girard-Bujold

Karen Kraft Sloan

NAYS: 8

Gar Knutson

Aileen Carroll

Yvon Charbonneau

Joe Jordan

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 73, as amended, carried.

**On Clause 87.**

Joe Jordan moved, - That Clause 87 be amended by adding after line 29 on page 57 the following:

"(5) Despite subsection (1), the Minister shall add a substance to the Domestic Substances List and, if it appears on the Non-Domestic Substances List, delete it from that List, within 120 days after the following conditions are met:

(a) the Minister has been provided with any information in respect of the substance under subsections 81(1) to (15) or section 82, any additional information or test results required under subsection 84(1), and any other prescribed information;

(b) the period for assessing the information under section 83 has expired; and

(c) no conditions specified under paragraph 84(1)(a) in respect of the substance remain in effect."

After debate, the question was put on the amendment and it was agreed to.

Clause 87, as amended, carried.

Clause 88 carried.

**On Clause 89.**

Paddy Torsney moved, - That Clause 89 be amended by

- a. striking out line 40 on page 57 and substituting the following therefore:

"(a) respecting substances or establishing"

- b. striking out lines 1 to 5 on page 58 and substituting the following therefore:

"(c) respecting the information to be provided to the Minister under subsection 81(1), (2), (3) or (4) or section 82;"

After debate, the question was put on the amendment and it was agreed to.

Joe Jordan moved, - That Clause 89 be amended by adding after line 26 on page 58 the following:

"(i.1) prescribing information that shall be provided to the Minister under subsection 87



(5);"

After debate, the question was put on the amendment and it was agreed to.

Clause 89, as amended, carried.

**On Clause 90.**

Rick Laliberté moved, That Clause 90 be amended by striking out lines 15 to 20 on page 59 and substituting the following therefore:

"90. (1) Subject to subsection (3), where a substance is determined by the Ministers to be toxic, the substance shall, by order of the Governor in Council, be added to the List of Toxic Substances in Schedule 1."

After debate, the question was put on the amendment and it was negated.

Joe Jordan moved, - That Clause 90 be amended by adding after line 20 on page 59 the following:

"(1.1) In developing proposed regulations or instruments respecting preventive or control actions in relation to substances specified on the List of Toxic Substances in Schedule 1, the Ministers shall give priority to pollution prevention actions."

After debate, the question was put on the amendment and it was agreed to.

Clause 90, as amended, carried.

Clause 91 carried.

Clauses 92, 93 and 94 were allowed to stand.

At 11:17 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee

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HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 92**

**Monday, February 1, 1999**

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**ORDERS OF THE DAY:**

Future business

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Aquametrix Research Limited:*

Stephen F. Cross, President.

*British Columbia Salmon Farmers Association:*

Anne McMullin, Executive Director.

*Canadian Aquaculture Industry Alliance:*

Pierre Stang, Acting Executive Director.

*Canadian Food Inspection Agency:*

André Gravel, Acting Vice-President, Programs;

Linda Morrison, Associate Director, Feed Section, Animal Health and Production Division,  
Animal Products Directorate.

*New Brunswick Salmon Growers Association:*

Bill Thompson, Executive Director.

*Salmon Health Consortium:*

Myron Roth, Doctor, Acting Executive Director.

*Washburn & Gillis Associates Ltd.:*

James A. Smith, Doctor, Senior Project Manager and Scientist.

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## MINUTES OF PROCEEDINGS

Meeting No. 92

Monday, February 1st, 1999

The Standing Committee on Environment and Sustainable Development met at 3:40 p.m. this day, in Room 209, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for Yvon Charbonneau.

*Associate Member present:* Peter Stoffer.

*In attendance:* From the Library of Parliament: Monique Hébert, Researcher; Christine Labelle, Researcher. From Resources Futures International: John Moffet, consultant.

*Witnesses:* From the Canadian Aquaculture Industry Alliance: Pierre Stang, Acting Executive Director. From the British Columbia Salmon Farmers Association: Anne McMullin, Executive Director. From Aquametrix Research: Stephen F. Cross, President, Research Director. From Washburn & Gillis Associates Ltd: Dr. James A. Smith. From the New Brunswick Salmon Growers Association: Bill Thompson, Executive Director. From the Canadian Food Inspection Agency: Dr. André Gravel, Acting Vice-President, Programs; Linda Morrison, Associate Director, Feed Section, Animal Health and Production Division, Animal Products Directorate. From Salmon Health: Dr. Myron Roth, Technical Director.

The Committee discussed its future business.

It was agreed, - That the Committee hold a working luncheon on Monday, February 8, 1999, to be briefed on the Biosafety Protocol Conference in Columbia by the negotiators from Environment Canada and the Department of Foreign Affairs and International Trade.

David Pratt, seconded by Jocelyne Girard-Bujold, moved, - That, with regard to clause by clause study of Bill C-32, the Committee further extend its October 1, 1998, contract with Resource Futures International for a period beginning February 1, 1999 and terminating no later than March 31, 1999, with a maximum amount of \$15,600 for the extended period.

The question was put on the motion and it was agreed to.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings, dated May 14, 1998, Meeting No. 53)

The witnesses made opening statements and answered questions.

At 6:08 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 93**

**Tuesday, February 2, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, CEPA Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 93

Tuesday, February 2, 1999

The Standing Committee on Environment and Sustainable Development met at 9:18 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Pierre de Savoye pour Jocelyne Girard-Bujold.

Associate Member present: Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin, Legislative Clerk. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

At 9:18 a.m., the Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings, dated Wednesday, May 14, 1998, Meeting No. 53*)

The Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 95.**

By unanimous consent, Clause 95 was allowed to stand.

Clause 96 was allowed to stand.

Clause 97 carried.

Clause 98 carried.

Clause 99 carried.

Clause 100 was allowed to stand.

Clause 101 was allowed to stand.

Clause 102 was allowed to stand.

Clause 103 was allowed to stand.

**On Clause 104.**

Rick Laliberté moved, - That Clause 104 be amended by striking out lines 3 and 4 on page 73 and substituting the following therefore:

""biotechnology product" means a substance that is an animate or inanimate product of biotechnology."

After debate, by unanimous consent, the amendment was withdrawn.

Clause 104 carried.

Clause 105 carried.

**On Clause 106.**

Rick Laliberté moved, - That Clause 106 be amended by replacing line 44 on page 74 with the following:

"scribed;"

After debate, the question was put on the amendment and it was by a show of hands negatived.

Rick Laliberté moved, - That Clause 106 be amended by replacing line 12 on page 75 with the following:

"scribed;"

After debate, the question was put on the amendment and it was by a show of hands negatived.

By unanimous consent, Clause 106 was allowed to stand.

**On Clause 107.**

Rick Laliberté moved, - That Clause 107 be amended by striking out line 42 on page 77 and substituting the following therefore:

"tion, the Minister may, by order, waive any of the"

After debate, by unanimous consent, the amendment was withdrawn.

Clause 107 carried.

Clause 108 carried.

**On Clause 109.**

Rick Laliberté moved, - That Clause 109 be amended by striking out line 28 on page 79 and substituting the following therefore:

"years, the Minister publishes in"

After debate, the question was put on the amendment and it was negatived.

Clause 109 carried.

Clause 110 was allowed to stand.

Clause 111 carried.

Clause 112 carried.

Clause 113 carried.

Clause 114 was allowed to stand.

Clause 115 was allowed to stand.

Clause 116 was allowed to stand.

Clause 117 was allowed to stand.

Clause 118 was allowed to stand.

Clause 119 was allowed to stand.

Clause 120 carried.

**On Clause 121.**

Rick Laliberté moved, - That Clause 121 be amended by striking out line 32 on page 86 and substituting the following therefore:

"121. (1) The Minister shall, after consulta-"

After debate, the question was put on the amendment and it was by a show of hands negatived.

Bill Gilmour moved, - That Clause 121 be amended by striking out line 33 on page 86 and substituting the following therefore:

"tion with any other affected minister and any affected provincial government, issue"

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Clause 121 was allowed to stand.



At 11:18 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 94**

**Wednesday, February 3, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Steve Mongrain, Representative, CEPA Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 94

Wednesday, February 3, 1999

The Standing Committee on Environment and Sustainable Development met at 3:43 p.m. this day, in Room 209, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, John Herron, Karen Kraft Sloan, David Pratt, Paddy Torsney.

*Acting Members present:* Beth Phinney for Sarkis Assadourian, Wayne Easter for Aileen Carroll, Gar Knutson for Aileen Carroll, Charles Hubbard for Roger Gallaway, Peter Stoffer for Rick Laliberté.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin, Legislative Clerk. *From the Library of Parliament:* Christine Labelle and Frédéric Forges, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

The Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

At 3:53 p.m., by unanimous consent, the Committee reverted to Clause 95.

### **On Clause 95.**

Paddy Torsney moved, - That Clause 95 be amended by striking out line 5 on page 66 and substituting the following therefore:

"regulation made under section 92.1 or 93 or an order"

After debate, the question was put on the amendment and it was agreed to.

Clause 95, as amended, carried.

### **On Clause 97.**

By unanimous consent, the Committee reverted to Clause 97

Paddy Torsney moved, - That Clause 97 be amended by striking out lines 32 to 35 on page 68 and substituting the following therefore:

"of a release;"

After debate, the question was put on the amendment and it was agreed to.

Clause 97, as amended, carried.

By unanimous consent, the Committee reverted to Clause 100.

**On Clause 100.**

Paddy Torsney moved, - That Clause 100 be amended by striking out lines 35 to 42 on page 70 and lines 1 to 5 on page 71 and substituting the following therefore:

"100. The Minister or the Ministers may, by order,

(a) add to Part 1 of the Export Control List in Schedule 3 any substance the use of which is prohibited in Canada by or under an Act of Parliament, and delete any substance from that Part;

(b) add to Part 2 of the Export Control List in Schedule 3 any substance that is subject to an international agreement that requires notification or requires the consent of the country of destination before the substance is exported from Canada, and delete any substance from that Part; and

(c) add to Part 3 of the Export Control List in Schedule 3 any substance the use of which is restricted in Canada by or under an Act of Parliament, and delete any substance from that Part."

After debate, the question was put on the amendment and it was agreed to.

Clause 100, as amended, carried.

Clause 101 was allowed to stand.

**On Clause 110.**

Paddy Torsney moved, - That Clause 110 be amended by striking out line 1 on page 80 and substituting the following therefore:

"within 90 days after the expiry of the period for assessing"

After debate, the question was put on the amendment and it was agreed to.

Clause 110, as amended, carried.

**On Clause 114.**

Paddy Torsney moved, - That Clause 114 be amended by striking out, in the English version, line 44 on page 81 and substituting the following therefore:



"(a) respecting living organisms or establish-"

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 114 be amended by striking out, in the English version, line 7 on page 82 and substituting the following therefore:

"(c) respecting the information that shall be"

After debate, the question was put on the amendment and it was agreed to.

Clause 114, as amended, carried.

Clauses 115, 116, 117, 118 and 119 were allowed to stand.

By unanimous consent, Clause 121 was allowed to stand.

Clause 122 was allowed to stand.

Clause 123 carried.

Clause 124 carried.

Clause 125 carried.

Clause 126 carried.

Clause 127 was allowed to stand.

#### **On Clause 128.**

Paddy Torsney moved, - That Clause 128 be amended by striking out lines 31 to 34 on page 94 and substituting the following therefore:

"(5) The Minister shall

(a) offer to consult with any foreign state that is likely to be affected by the"

After debate, the question was put on the amendment and it was agreed to.

Clause 128, as amended, carried.

Clause 129 carried.

Clause 130, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 131 carried.

Clause 132 carried.

Clause 133 was allowed to stand.

Clause 134 was allowed to stand.

**On Clause 135.**

Bill Gilmour moved, - That Clause 135 be amended by striking out line 25 on page 97 and substituting the following therefore:

"the recommendation of the Minister and in consultation with every affected provincial government, make"

After debate, the question was put on the amendment and it was by a show of hands negatived:  
YEAS: 4, NAYS: 7.

Clause 135 carried.

Clauses 136, 137, 138 and 139 carried severally.

Clause 140 was allowed to stand.

Clauses 141, 142, 143 and 144 carried severally.

Clause 145 was allowed to stand.

Clause 146 carried.

Clause 147 carried.

Clause 148 carried.

Clause 149 was allowed to stand.

Clause 150 carried.

Clause 151 carried.

Clause 152 carried.

Clause 153, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 154 carried.

Clause 155 carried.

Clause 156 carried.

Clause 157 carried.

Clause 158 carried.

Clause 159 carried.

Clause 160 carried.

Clause 161 carried.

Clause 162 carried.

Clause 163 carried.

Clause 164 carried.

Clause 165 carried.

Clause 166 was allowed to stand.

Clause 167 was allowed to stand.

Clause 168 carried.

Clause 169, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 170 carried.

Clause 171 carried.

Clause 172 carried.

Clause 173 was allowed to stand.

Clause 174 carried.

Clause 175 carried.

Clause 176 was allowed to stand.

Clause 177 carried.

Clause 178 carried.

Clause 179, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 180 carried.

Clause 181 carried.

Clause 182 carried.

Clause 183 was allowed to stand.

Clause 184 carried.

**On Clause 185.**

Bill Gilmour moved, - That Clause 185 be amended by striking out line 6 on page 131 and substituting the following therefore:

"the prescribed fee which shall not exceed the direct cost of providing the services in respect of which the fee is payable."

After debate, by unanimous consent, the amendment was withdrawn.

Clause 185 carried.

Clause 186 was allowed to stand.

Clause 187 was allowed to stand.

Clause 188 was allowed to stand.

Clause 189 was allowed to stand.

Clause 190 carried.

Clause 191 carried.

Clause 192 carried.

Clause 193 carried.

Clause 194 was allowed to stand.

Clause 195 carried.

Clause 196 was allowed to stand.

Clause 197 was allowed to stand.

Clause 198 carried.

Clause 199 was allowed to stand.

Clause 200 was allowed to stand.

Clause 201, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

By unanimous consent, Clause 202 was allowed to stand.

Clause 203 carried.

Clause 204 carried.

Clause 205 carried.

Clause 206 carried

Clause 207 was allowed to stand.

Clause 208 was allowed to stand.

Clause 209 was allowed to stand.

Clause 210 was allowed to stand.

Clause 211 carried.

Clause 212 carried.

Clause 213, as amended on Tuesday, November 17, 1998, Meeting No. 81, was allowed to stand.

Clause 214 carried.

Clause 215 carried.

Clause 216 carried.

**On Clause 217.**

Paddy Torsney moved, - That Clause 217 be amended by

(a) striking out line 2 on page 153 and substituting the following therefore:

"enforcement officers or analysts for the"

(b) striking out lines 13 to 15 on page 153 and substituting the following therefore:

"(2) Every enforcement officer or analyst shall be furnished with a certificate of designation as an enforcement officer or analyst,"

(c) striking out lines 20 to 30 on page 153 and substituting the following therefore:

"(3) For the purposes of this Act and the regulations, enforcement officers have all the powers of a peace officer, but the Minister may specify limits on those powers when designating any person or class of persons."

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 217 be amended by deleting lines 20 and 21 on page 153.

After debate, by unanimous consent, the amendment was withdrawn.

Clause 217, as amended, carried.

**On Clause 218.**

Paddy Torsney moved, - That Clause 218 be amended by



(a) striking out line 15 on page 155 and substituting the following therefore:

"tions that may be specified in the warrant, and authorizing any other person named therein to accompany the enforcement officer and exercise any power specified in the warrant."

(b) striking out lines 2 to 5 on page 156 and substituting the following therefore:

"subsection (3) or (4), an enforcement officer shall not use force unless the use of force has been specifically"

(c) striking out lines 8 to 10 on page 156 and substituting the following therefore:

"regulations, an enforcement officer may, at any reasonable time, direct that any conveyance be stopped or be moved to a place where an inspection can be carried out, and may, for a reasonable time, detain"

After debate, the question was put on the amendment and it was agreed to.

Clause 218, as amended, carried.

Clause 219 carried.

**On Clause 220.**

Paddy Torsney moved, - That Clause 220 be amended by

(a) striking out line 26 on page 158 and substituting the following therefore:

"enforcement officer, or authorizing any"

(b) striking out line 38 on page 158 and substituting the following therefore:

"authorizing an enforcement officer, or"

(c) striking out line 7 on page 159 and substituting the following therefore:

"(4) An enforcement officer may exer-"

After debate, the question was put on the amendment and it was agreed to.

Clause 220, as amended, carried.

**On Clause 221.**

Paddy Torsney moved, - That Clause 221 be amended by striking out lines 38 to 41 on page 159 and lines 1 to 14 on page 160 and substituting the following therefore:

"221. (1) Any thing seized under section 220 shall be delivered into the custody of any person that the Minister directs.

(2) Where a thing seized under section 220 has cargo on board, the cargo may be discharged, under the supervision of

(a) the enforcement officer or other person by whom the thing was seized, or

(b) the person into whose custody the thing was delivered in accordance with subsection (1),

at the place in Canada that is capable of receiving the cargo and that is nearest to the place of seizure, or at any other place that is satisfactory to the enforcement officer or other person supervising the discharge of the cargo.

(3) Where a thing seized under section 220 has cargo on board that is perishable,

(a) the enforcement officer or other person by whom the thing was seized, or

(b) the person into whose custody the thing was delivered in accordance with subsection (1)

may sell the cargo or the portion of"

After debate, the question was put on the amendment and it was agreed to.

Clause 221, as amended, carried.

#### **On Clause 222.**

Paddy Torsney moved, - That Clause 222 be amended by striking out lines 28 and 29 on page 160 and substituting the following therefore:

"222. (1) Where a thing has been seized under section"

The question was put on the amendment and it was agreed to.

Clause 222, as amended, carried.

Clause 223, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

#### **On Clause 224.**

Paddy Torsney moved, - That Clause 224 be amended by deleting lines 1 to 7 on page 164.

The question was put on the amendment and it was agreed to.

Clause 224, as amended, carried.

Clause 225, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

#### **On Clause 226.**

Paddy Torsney moved, - That Clause 226 be amended by striking out line 19 on page 165 and

substituting the following therefore:

"226. An enforcement officer or analyst or"

After debate, the question was put on the amendment and it was agreed to.

Clause 226, as amended, carried.

**On Clause 227.**

Paddy Torsney moved, - That Clause 227 be amended by

(a) striking out line 27 on page 165 and substituting the following therefore:

"place entered by an enforcement officer or"

(b) striking out line 30 on page 165 and substituting the following therefore:

"(a) give the enforcement officer or ana-"

(c) striking out line 34 on page 165 and substituting the following therefore:

"(b) provide the enforcement officer or analyst"

(d) striking out line 37 on page 165 and substituting the following therefore:

"tions that the enforcement officer or analyst may"

After debate, the question was put on the amendment and it was agreed to.

Clause 227, as amended, carried.

**On Clause 228.**

Paddy Torsney moved, - That Clause 228 be amended by striking out line 39 on page 165 and substituting the following therefore:

"228. While an enforcement officer or"

After debate, the question was put on the amendment and it was agreed to.

Clause 228, as amended, carried.

Clause 229, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 230 carried.

Clause 231 carried.

Clause 232 carried.

Clause 233 carried.

Clause 234 carried.

Clause 235, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 236 carried.

Clause 237, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

**On Clause 238.**

Paddy Torsney moved, - That Clause 238 be amended by striking out, in the English version, line 33 on page 172 and substituting the following therefore:

"enforcement officer under an order given orally under"

After debate, the question was put on the amendment and it was agreed to.

Clause 238, as amended, carried.

Clause 239, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

Clause 240 carried.

Clause 241, as amended on Tuesday, November 17, 1998, Meeting No. 81, carried.

**On Clause 242.**

Paddy Torsney moved, - That Clause 242 be amended by striking out, in the English version, line 21 on page 175 and substituting the following therefore:

"enforcement officers under subparagraph 235 (4) (f) (ii)"

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 242 be amended by striking out, in the English version, line 27 on page 175 and substituting the following therefore:

"enforcement officers under subsection 237 (1) or"

After debate, the question was put on the amendment and it was agreed to.

Clause 242, as amended, carried.

Clause 243 carried.

Clause 244 was allowed to stand.

Clause 245 carried.

Clause 246 carried.

**On Clause 247.**

Jocelyne Girard-Bujold moved, - That Clause 247 be amended by striking out line 17 on page 176 and substituting the following therefore:

"law and, where the order to be reviewed was made in relation to aboriginal land, unless that person has been nominated by the aboriginal people concerned."

At 5:47 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 95**

**Thursday, February 4, 1999**

---

**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Conservation Council of New Brunswick:*

Inka Milewski, Past President.

*David Suzuki Foundation:*

Jim Fulton, Executive Director.

*Department of Fisheries and Oceans:*

Yves Bastien, Commissioner of Aquaculture Development;

William G. Doubleday, Director General, Fisheries and Oceans Science Directorate;

Paul Keizer, Manager, Marine Environmental Sciences, Maritimes Region.



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## MINUTES OF PROCEEDINGS

Meeting No. 95

Thursday, February 4, 1999

The Standing Committee on Environment and Sustainable Development met at 9:12 a.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*In attendance:* From the Committees and Legislative Services Directorate : Marc Toupin. From the Library of Parliament: Monique Hébert and Christine Labelle, Research Officers. From Resources Futures International: John Moffet, consultant.

*Witnesses:* From Conservation Council of New Brunswick: Inka Milewski, Past President. From the David Suzuki Foundation: Jim Fulton, Executive Director. From Fisheries and Oceans: Dr. William G. Doubleday, Director General, Fisheries and Oceans Science Directorate; Paul Keizer, Manager, Marine Environmental Sciences, Maritimes Region; Yves Bastien, Commissioner of Aquaculture.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

The witnesses made opening statements and answered questions.

At 12:14 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 96**

**Tuesday, February 9, 1999**

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**ORDERS OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

Future business

**WITNESSES:**

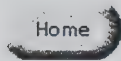
*Environment Canada:*

Duncan Cameron, Legal Counsel;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.







## MINUTES OF PROCEEDINGS

Meeting No. 96

Tuesday, February 9, 1999

The Standing Committee on Environment and Sustainable Development met at 9:12 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Denis Coderre for Yvon Charbonneau, Carolyne Bennett for Joe Jordan.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

The Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

At 9:12 a.m., the Committee resumed consideration of Clause 247 and the amendment of Jocelyne Girard-Bujold, - That Clause 247 be amended by striking out line 17 on page 176 and substituting the following therefore:

"law and, where the order to be reviewed was made in relation to aboriginal land, unless that person has been nominated by the aboriginal people concerned."

By unanimous consent, the amendment and Clause 247 were allowed to stand.

At 9:17 a.m., the Committee discussed its future business.

It was agreed, - That the Secretary of State (Agriculture and Agri-Food, Fisheries and Oceans) and the Commissioner of Aquaculture appear in relation to the Committee's study of Bill C-32.

It was agreed, - That the Committee hold a working lunch on Monday, February 15 with Dr. Arthur J.

Carty, President, National Research Council.

The Chair gave notice of a motion to consider Committee participation at a conference entitled "À l'aube de l'an 2000, vision d'avenir en environnement" to take place March 12 in Sherbrooke.

The Chair gave notice of a motion to consider Pesticide Management in Canada as a future subject of study by the Committee.

The Committee resumed Clause by Clause consideration of the Bill C-32.

**On Clause 122.**

At 9:27 a.m., by unanimous consent, the Committee reverted to Clause 122.

Rick Laliberté moved, - That Clause 122 be amended by striking out line 24 on page 88 and substituting the following therefore:

"(g) a disposal that is"

After debate, by unanimous consent, the amendment and Clause 122 were allowed to stand.

**On Clause 127.**

The Committee reverted to Clause 127.

John Herron moved, - That Clause 127 be amended

(a) by striking out line 22 on page 93 and substituting the following therefore:

"127. (1) Subject to subsection (2.1), the Minister may, on application,"

(b) by adding after line 30 on page 93 the following:

"(b.1) be accompanied by evidence that the disposal described in the application is the only feasible method of disposal available to the applicant;"

(c) by adding after line 38 on page 93 the following:

"(2.1) The Minister shall not issue a permit under subsection (1) unless he or she is satisfied that the evidence that accompanies the application under paragraph (2)(b.1) establishes that the disposal described in the application is the only feasible method of disposal available to the applicant."

After debate, by unanimous consent, the amendment was withdrawn.

Rick Laliberté moved, - That Clause 127 be amended by striking out line 41 on page 93 and substituting the following therefore:

"Schedule 6 and shall take into account the applicant's adherence to the pollution prevention principle and requirements under subsection (2) and any"

After debate, the question was put on the amendment and by a show of hands was negatived.

Clause 127 carried.

**On Clause 133.**

The Committee reverted to Clause 133.

Rick Laliberté moved, - That Clause 133 be amended by striking out line 1 on page 97 and substituting the following therefore:

"(b) in every other case, at least 60 days"

Denis Coderre moved, - That the amendment be further amended by replacing the number "60" with "30".

The question was put on the amendment to the amendment and it was agreed to.

The question was put on the amendment, as amended, and it was agreed to.

Clause 133, as amended, carried.

**On Clause 134.**

The Committee reverted to Clause 134.

Rick Laliberté moved, - That Clause 134 be amended by striking out line 17 on page 97 and substituting the following therefore:

"(1) shall be filed within 30 days after"

After debate, the question was put on the amendment and it was agreed to.

Clause 134, as amended, carried.

Clause 149 was allowed to stand.

On Clause 166.

The Committee reverted to Clause 166.

Bill Gilmour moved, - That Clause 166 be amended by striking out line 20 on page 117 and substituting the following therefore:

"(3) only if the Ministers have evidence"

The question was put on the amendment and it was negatived.

John Herron moved, - That Clause 166 be amended by striking out line 23 on page 117 and substituting the following therefore:

"be anticipated to contribute to"



The question was put on the amendment and it was agreed to.

Aileen Carroll moved, - That Clause 166 be amended

(a) by striking out lines 31 and 32 on page 117 and substituting the following therefore:

"is not a federal source, the Minister

(a) may consult with any government responsi-"

(b) by striking out line 37 on page 117 and substituting the following therefore:

"(b) may, if a government referred to in paragraph"

By unanimous consent, the amendment was allowed to stand.

By unanimous consent, Clause 166, as amended, was allowed to stand.

#### **On Clause 167.**

The Committee reverted to Clause 167.

John Herron moved, - That Clause 167 be amended by striking out line 24 on page 118 and substituting the following therefore:

"contribute to air pollution referred to in subsection"

The question was put on the amendment and it was agreed to.

Clause 167, as amended, carried.

Clause 173 was allowed to stand.

#### **On Clause 176.**

The Committee reverted to Clause 176.

Paddy Torsney moved, - That Clause 176 be amended by

(a) striking out line 42 on page 124 and lines 1 to 3 on page 125 and substituting the following therefore:

"does not do so, the Minister shall take at least one of the following courses of action:

(a) publish a notice under subsection 56(1); or

(b) recommend regulations to the Governor in Council for the purpose of preventing, controlling or correcting the water pollution."

(b) striking out line 12 on page 125 and substituting the following therefore:



"(5) When recommending regulations under paragraph (3) (b), the"

The question was put on the amendment and it was agreed to.

Rick Laliberté moved, - That Clause 176 be amended by striking out, in the English version, line 11 on page 125 and substituting the following therefore:

"and (3)."

The question was put on the amendment and it was agreed to.

By unanimous consent, Clause 176, as amended, was allowed to stand.

#### **On Clause 183.**

The Committee reverted to Clause 183.

Rick Laliberté moved, - That Clause 183 be amended by striking out lines 4 to 13 on page 130 and substituting the following therefore:

"within 24 hours after making the order, offered to consult with all affected governments to determine whether they are prepared to take sufficient action to deal with the significant danger."

By unanimous consent, the amendment and Clause 183 were allowed to stand.

#### **On Clause 186.**

The Committee reverted to Clause 186.

Rick Laliberté moved, - That Clause 186 be amended by striking out line 9 on page 132 and substituting the following therefore:

"ronment, the Minister shall, with the approval"

After debate, the question was put on the amendment and it was negatived.

Clause 186 carried.

#### **On Clause 187.**

The Committee reverted to Clause 187.

Rick Laliberté moved, - That Clause 187 be amended by striking out lines 19 to 23 on page 132 and substituting the following therefore:

"187. After the Minister receives a notification of the proposed import, export or transit of a waste or material referred to in subsection 185(1), the Minister shall publish by a means of communication capable of reaching the communities that will be affected by one of the activities referred to in subsection 185(1) and in the *Canada Gazette*, or in any other manner that"

The question was put on the amendment and it was negatived.

Clause 187 carried.

At 11:02 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 97**

**Wednesday, February 10, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**APPEARING:**

Hon. Gilbert Normand, Secretary of State (Agriculture and Agri-Food) (Fisheries and Oceans)

**WITNESSES:**

*Fisheries and Oceans Canada:*

Yves Bastien, Commissioner of Aquaculture;

John Davies, Assistant Deputy Minister, Science;

Liseanne Forand, Assistant Deputy Minister, Policy.



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## MINUTES OF PROCEEDINGS

Meeting No. 97

Wednesday, February 10, 1999

The Standing Committee on Environment and Sustainable Development met at 3:38 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Jocelyne Girard-Bujold, John Herron, David Pratt, Paddy Torsney.

*In attendance: From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Appearing:* The Honourable Gilbert Normand, Secretary of State, Agriculture and Agrifood, Fisheries and Oceans Canada.

*Witnesses: From Fisheries and Oceans Canada:* Yves Bastien, Commissioner of Aquaculture; Liseanne Forand, Assistant Deputy Minister, Policy; Dr. John Davis, Acting Assistant Deputy Minister, Science.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings*, dated Wednesday May 14, 1998, Meeting No. 53)

By unanimous consent, the Committee reverted to Clause 2.

The Secretary of State made an opening statement and with the witnesses, answered questions.

At 5:12 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee





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36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 98**

**Thursday, February 11, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





## MINUTES OF PROCEEDINGS

Meeting No. 98

Thursday, February 11, 1999

The Standing Committee on Environment and Sustainable Development met at 9:13 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Paul Forseth, Roger Gallaway, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Benoit Serre for Sarkis Assadourian, Denis Paradis for David Pratt.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin, Legislative Clerk. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

At 9:13 a.m., by unanimous consent, Yvon Charbonneau moved, - That the Secretary of State, Agriculture and AgriFood, Fisheries and Oceans, be requested to prepare a report to the Committee on the implementation of the Commitments set out in the 1995 Federal Aquaculture Development Strategy.

After debate, the question was put on the motion and it was agreed to.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:21 a.m., the Committee proceeded to Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 176.**

By unanimous consent, the Committee reverted to Clause 176.

Jocelyne Girard-Bujold moved, - That Clause 176 be amended by striking out in the French version, lines 1 to 7 on page 125 and substituting the following therefore:

"(4) Si le pays étranger en cause n'a pas accordé au Canada, en matière de lutte contre la pollution des eaux, ou de correction ou de prévention de celle-ci, des droits similaires à ceux qui lui sont accordés par la présente section, le ministre détermine s'il lui incombe d'intervenir en appliquant les paragraphes (2) ou (3)."

The question was put on the amendment and it was agreed to.

Clause 176, as amended, carried.

**On Clause 188.**

The Committee reverted to Clause 188.

John Herron moved, - That Clause 188 be amended by striking out lines 35 and 36 on page 132 and substituting the following therefore:

"188. (1) For the purpose of reducing or phasing out the export of hazardous waste or prescribed non-hazardous waste for"

After debate, the question was put on the amendment and it was agreed to.

Clause 188, as amended, carried.

**On Clause 189.**

The Committee reverted to Clause 189.

John Herron moved, - That Clause 189 be amended by striking out lines 14 and 15 on page 133 and substituting the following therefore:

"regulations."

The question was put on the amendment and it was negatived.

Clause 189 carried.

**On Clause 194.**

The Committee reverted to Clause 194.

Paddy Torsney moved, - That Clause 194 be amended

(a) by striking out line 14 on page 135 and substituting the following therefore:

"194. (1) For the purposes of this Part, any"

(b) by adding after line 26 on page 135 the following:

"(2) This Part does not apply to environmental emergencies caused by or otherwise attributable to a discharge or anticipated discharge of oil from a ship as defined under the *Canada Shipping Act*."



After debate, by unanimous consent, the amendment and the Clause were stood.

**On Clause 196.**

The Committee reverted to Clause 196.

John Herron moved, - That Clause 196 be amended by striking out line 3 on page 136 and substituting the following therefore:

"196. The Minister shall issue guidelines and"

After debate, the question was put on the amendment and it was negatived.

Clause 196 carried.

Clause 197 was allowed to stand.

**On Clause 199.**

The Committee reverted to Clause 199.

Jocelyne Girard-Bujold moved, - That Clause 199 be amended by striking out lines 26 to 36 and substituting the following therefore:

"199. (1) Where the Minister is of the opinion that a person or class of persons should prepare or implement an environmental emergency plan respecting the prevention of, preparedness for, response to or recovery from an environmental emergency in respect of a substance or group of substances specified on the List of Toxic Substances in Schedule 1, the Minister shall publish in the *Canada Gazette* and in any other manner that the Minister considers appropriate a notice requiring the person or class of persons to prepare or implement an environmental emergency plan."

The question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 199 be amended by striking out line 31 on page 136 and substituting the following therefore:

"prepare and implement and environmental emer-"

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 199 be amended by striking out lines 34 to 36 on page 136 and substituting the following therefore:

"an environmental emergency in respect of

(a) a substance or group of substances on the List of Toxic Substances in Schedule 1; or

(b) a substance or group of substances in relation to which there has been published in the *Canada Gazette*

(i) a statement of the Ministers under paragraph 77(6)(b) indicating that the measure that they propose to take, as confirmed or amended, is a recommendation that the substance be added to the List of Toxic Substances in Schedule 1, or

(ii) a copy of an order proposed to be made under subsection 90(1)."

After debate, the question was put on the amendment and it was agreed to: YEAS: 5, NAYS: 4.

Jocelyne Girard-Bujold moved, - That Clause 199 be amended by striking out line 37 on page 136 and substituting the following therefore:

"(2) The notice shall specify"

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 199 be amended by striking out line 35 on page 137 and substituting the following therefore:

"(7) The Minister shall publish in the *Canada*"

The question was put on the amendment and it was negatived.

Clause 199, as amended, carried.

Clause 200 was allowed to stand.

Clause 202 was allowed to stand.

#### **On Clause 207.**

The Committee reverted to Clause 207.

John Herron moved, - That Clause 207 be amended by striking out lines 17 to 28 on page 144 and substituting the following therefore:

"(b) federal works and undertakings;

(c) aboriginal land, federal land, persons on that land and other persons in so far as their activities involve that land; and

(d) Crown corporation, as defined in subsection 83(1) of the *Financial Administration Act*."

After debate, the question was put on the amendment and it was agreed to.

Clause 207, as amended, carried.

At 11:07 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 99**

**Monday, February 15, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 99

Monday, February 15, 1999

The Standing Committee on Environment and Sustainable Development met at 3:45 p.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Lou Sekora for Sarkis Assadourian, Gar Knutson for Aileen Carroll, Bernard Bigras for Jocelyne Girard-Bujold.

*Associate Members present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin, Legislative Clerk. *From the Library of Parliament:* Monique Hébert, Research Officer.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

At 3:45 p.m., the Committee discussed its future business.

Joe Jordan moved, - That the Committee request the authorisation of the House for Christine Labelle, Research Officer, to travel to Sherbrooke, Quebec, on Friday, March 12 for the purpose of attending the Conference "À l'aube de l'an 2000 : Vision d'avenir en environnement" and that a budget for this activity be adopted.

The question was put on the motion and it was agreed to.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 3:48 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

Clause 208 was allowed to stand.

Clause 209 was allowed to stand.

Clause 210 was allowed to stand.

Clause 247 was allowed to stand.

Clause 248 carried.

**On Clause 249.**

Paddy Torsney moved, - That Clause 249 be amended by

(a) striking out line 23 on page 176 and substituting the following therefore:

"Governor in Council, and each other review officer is"

(b) striking out line 26 on page 176 and substituting the following therefore:

"Governor in Council."

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 249 be amended by striking out lines 35 to 38 on page 176.

The question was put on the amendment and it was agreed to.

Clause 249, as amended, carried.

By unanimous consent, Clauses 250 to 262 carried.

**On Clause 263.**

Paddy Torsney moved, - That Clause 263 be amended by

(a) striking out line 7 on page 179 and substituting the following therefore:

"subject to the order, and the Minister, reasonable notice orally or"

(b) striking out line 10 on page 179 and substituting the following therefore:

"for those persons and the Minister to make oral representations,"

The question was put on the amendment and it was agreed to.

Clause 263, as amended, carried.

Clause 264 carried.

**On Clause 265.**

Paddy Torsney moved, - That Clause 265 be amended by striking out, in the English version, lines 37 and 38 on page 179 and substituting the following therefore:

"of the powers referred to in section 263 if"

The question was put on the amendment and it was agreed to.

Clause 265, as amended, carried.

Clause 266 carried.

**On Clause 267.**

Paddy Torsney moved, - That Clause 267 be amended by striking out lines 9 and 10 on page 180 and substituting the following therefore:

"267. The Chief Review Officer may make rules"

After debate, the question was put on the amendment and it was agreed to.

Clause 267, as amended, carried.

By unanimous consent, Clauses 268 to 272 carried.

**On Clause 273.**

Paddy Torsney moved, - That Clause 273 be amended by striking out line 28 on page 181 and substituting the following therefore:

"who, with respect to any matter related to this"

The question was put on the amendment and it was agreed to.

Clause 273, as amended, carried.

By unanimous consent, Clauses 274 to 279 carried.

**On Clause 280.**

Paddy Torsney moved, - That Clause 280 be amended by striking out line 30 on page 184 and substituting the following therefore:

"Minister and enforcement officers and"

The question was put on the amendment and it was agreed to.

Clause 280, as amended, carried.

By unanimous consent, Clauses 281 to 293 carried.

**On Clause 294.**

Paddy Torsney moved, - That Clause 294 be amended by striking out lines 33 to 35 on page 191 and substituting the following therefore:

"section 293 in respect of an offender has been heard by a court, no other application may be made under that section with respect to the offender"

The question was put on the amendment and it was agreed to.

Clause 294, as amended, carried.

By unanimous consent, Clauses 295 to 304 carried.

**On Clause 305.**

Paddy Torsney moved, - That Clause 305 be amended by

(a) striking out line 22 on page 197 and substituting the following therefore:

"(2) An enforcement officer or other peace officer may"

(b) striking out, in the English version, line 27 on page 197 and substituting the following therefore:

"(3) An enforcement officer or other peace officer may"

The question was put on the amendment and it was agreed to.

Clause 305, as amended, carried.

**On Clause 306.**

Paddy Torsney moved, - That Clause 306 be amended by striking out lines 35 and 36 on page 197 and substituting the following therefore:

"306. (1) The Minister, enforcement officers and analysts and any department or"

The question was put on the amendment and it was agreed to.

Clause 306, as amended, carried.

**On Clause 307.**

Paddy Torsney moved, - That Clause 307 be amended by striking out lines 20 and 21 on page 198 and substituting the following therefore:

"(b) any prosecutor, enforcement officer or other peace officer"

The question was put on the amendment and it was agreed to.

Clause 307, as amended, carried.

By unanimous consent, Clauses 308 to 320 carried.

**On Clause 321.**

Paddy Torsney moved, - That Clause 321 be amended by striking out lines 12 and 13 on page 205 and substituting the following therefore:



"321. Any person, except an enforcement officer or analyst, who receives, obtains or"

The question was put on the amendment and it was agreed to.

Clause 321, as amended, carried.

Clause 322 carried.

Clause 323 was allowed to stand.

By unanimous consent, Clauses 324 to 329 carried.

Clause 330 was allowed to stand.

Clause 331 carried.

Clause 332 was allowed to stand.

**On Clause 333.**

Bill Gilmour moved, - That Clause 333 be amended by striking out line 19 on page 211 and substituting the following therefore:

"made under Part 9 or section 118 or subsection 90(1) or 93(1) within the"

After debate, the question was put on the amendment and it was negatived.

Clause 333 carried.

Clause 334 was allowed to stand.

By unanimous consent, Clauses 335 to 342 carried.

**On Clause 343.**

Joe Jordan moved, - That Clause 343 be amended by striking out line 12 on page 213 and substituting the following therefore:

"shall, every five years after the coming into"

After debate, the question was put on the amendment and it was agreed to.

Clause 343, as amended, carried.

Clause 344 carried.

**On Clause 345.**

Paddy Torsney moved, - That Clause 345 be amended by striking out line 8 on page 214 and substituting the following therefore:

"Act, 1999."

The question was put on the amendment and it was agreed to.

Clause 345, as amended, carried.

Clause 346 carried.

Clause 347 carried.

**On Clause 348.**

Paddy Torsney moved, - That Clause 348 be amended by striking out line 35 on page 214 and substituting the following therefore:

"1999 apply, with any modifications that the"

The question was put on the amendment and it was agreed to.

Clause 348, as amended, carried.

**On Clause 349.**

Paddy Torsney moved, - That Clause 349 be amended by striking out line 4 on page 215 and substituting the following therefore:

"1999 apply in respect of this Act"

The question was put on the amendment and it was agreed to.

Clause 349, as amended, carried.

By unanimous consent, Clauses 350 to 356 carried.

At 5:07 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 100**

**Tuesday, February 16, 1999**

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**ORDERS OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





## MINUTES OF PROCEEDINGS

Meeting No. 100

Tuesday, February 16, 1999

The Standing Committee on Environment and Sustainable Development met at 9:18 a.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Ian Murray for Aileen Carroll.

*Associate Member present:* Clifford Lincoln.

*In attendance:* From the Committees and Legislative Services Directorate : Marc Toupin, Legislative Clerk. From the Library of Parliament: Monique Hébert and Christine Labelle, Research Officers.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:18 a.m. the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

Schedule 1 was allowed to stand.

Schedules 2, 3, 4, 5 and 6 were allowed to stand.

### **On Clause 247.**

By unanimous consent, the Committee reverted to Clause 247.

Jocelyne Girard-Bujold moved, - That Clause 247 be amended by striking out line 17 on page 176 and substituting the following therefore:

"law and, where the order to be reviewed was made in relation to aboriginal land, unless that person is knowledgeable about aboriginal issues."

After debate, by unanimous consent, the amendment was withdrawn.



Jocelyne Girard-Bujold moved, - That Clause 247 be amended by striking out line 17 on page 176 and substituting the following therefore:

"law and, where the order to be reviewed was made in relation to aboriginal land, unless that person has been nominated by the aboriginal people concerned."

After debate, by unanimous consent, the amendment was withdrawn.

Jocelyne Girard-Bujold moved, - That Clause 247 be amended by striking out lines 16 and 17 on page 176 and substituting the following therefore:

"ment, environmental and human health, administrative law, or traditional aboriginal knowledge."

Rick Laliberté moved, - That the amendment be amended by inserting the word "ecological" between the words "aboriginal" and "knowledge".

The question was put on the amendment to the amendment and it was agreed to.

The question was put on the amendment as amended and it was agreed to.

Clause 247, as amended, carried.

#### **On Clause 334.**

By unanimous consent, the Committee reverted to Clause 334.

Paddy Torsney moved, - That Clause 334 be amended by striking out lines 35 and 36 on page 211 and substituting the following therefore:

"334. (1) Aboard of review shall consist of not fewer than three members.

(2) A person is not eligible to be appointed as a member of a board of review, unless the person is knowledgeable about the Canadian environment, environmental and human health or traditional ecological aboriginal knowledge."

The question was put on the amendment and it was agreed to.

Clause 334, as amended, carried.

At 11:07 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 101**

**Wednesday, February 17, 1999**

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**ORDERS OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 101

Wednesday, February 17, 1999

The Standing Committee on Environment and Sustainable Development met at 3:43 p.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Carmen Provenzano for Aileen Carroll, Gar Knutson for Joe Jordan.

*In attendance:* From the Committees and Legislative Services Directorate : Marc Toupin, Legislative Clerk. From the Library of Parliament: Monique Hébert and Christine Labelle, Research Officers.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53).

At 3:50 p.m. the Committee resumed Clause-by-Clause consideration of the Bill.

### On Clause 13.

By unanimous consent, the Committee resumed consideration of Clause 13.

Karen Kraft Sloan moved, - That Clause 13 be amended by striking out lines 7 to 10 on page 15 and substituting the following therefore:

"13. (1) The Environmental Registry shall contain notices and other documents published or made publicly available by the Minister, and shall also include, subject to the *Access to Information Act* and the *Privacy Act*,

(a) notices of objection and of any approval granted under this Act;

(b) a copy of every policy and of every proposed regulation or order made under this Act; and

(c) copies of documents submitted to a court by the Minister relating to any environmental protection action."

After debate, the question was put on the amendment and it was agreed to.

Bill Gilmour moved, - That Clause 13 be amended

(a) by striking out lines 11 to 13 on page 15 and substituting the following therefore:

"(2) The Minister shall maintain the Environmental Registry and subject to subsection (2.1), may determine the form of the Registry, how it is to be kept and how access to it is to be provided."

(b) by adding after line 13 on page 15 the following:

"(2.1) The Minister shall ensure that access to the Environmental Registry is provided on the internet.

(2.2) The Minister shall, where he or she proposes to exercise any power under subsection (1) in respect of the Environmental Registry, allow 60 days for public comment before exercising that power."

After debate, by unanimous consent, the amendment was withdrawn.

Clause 13, as amended, carried.

**On Clause 22.**

By unanimous consent, the Committee resumed consideration of Clause 22.

Rick Laliberté moved, - That Clause 22 be amended

(a) by striking out line 8 on page 18 and substituting the following therefore:

"22. (1) A person who has applied for an"

(b) by striking out line 23 on page 18 and substituting the following therefore:

"(3) In the action, the person may claim"

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 22 be amended by striking out lines 12 and 13 on page 18 and substituting the following therefore:

"investigation and report within 30 days; or"

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 22 be amended by striking out line 21 on page 18 and substituting the following therefore:

"(b) caused harm to the environ-"

After debate, the question was put on the amendment and it was negatived.



Jocelyne Girard-Bujold moved, - That Clause 22 be amended by striking out lines 33 and 34 on page 18 and substituting the following therefore:

"thing that, in the opinion of the court, is capable of preventing the continuation of an offence"

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 22 be amended by adding after line 44 on page 18 the following:

"(4) The court may award damages to the responsible Minister in cases where the harm to the environment cannot be restored or rehabilitated or where the Minister has incurred costs to address the harm."

After debate, the question was put on the amendment and it was negatived.

Clause 22 carried.

#### **On Clause 24.**

By unanimous consent, the Committee resumed consideration of Clause 24.

Karen Kraft Sloan moved, - That Clause 24 be amended by striking out lines 13 to 25 on page 19 and substituting the following therefore:

"was taken to protect national security, support humanitarian relief efforts, participate in multilateral military or peace-keeping activities under the auspices of international organizations or defend a member state of the North Atlantic Treaty Organisation."

After debate, the question was put on the amendment and it was negatived.

Clause 24 carried.

#### **On Clause 31.**

By unanimous consent, the Committee resumed consideration of Clause 31.

Karen Kraft Sloan moved, - That Clause 31 be amended by striking out line 13 on page 21 and substituting the following therefore:

"law and where an undertaking to pay damages is imposed, the amount of damages shall not exceed \$500."

After debate, the question was put on the amendment and it was negatived.

Clause 31 carried.

Clause 38 carried.

Clause 47 was allowed to stand.

**On Clause 48.**

By unanimous consent, the Committee resumed consideration of Clause 48.

Rick Laliberté moved, - That Clause 48 be amended

(a) by striking out line 27 on page 29 and substituting the following therefore:

"48. (1) The Minister shall establish a national"

(b) by adding after line 33 on page 29 the following:

"(2) The Minister shall ensure that any person referred to in the national inventory of releases of pollutants established under subsection (1) shall prepare or implement a pollution prevention plan under Part 4."

After debate, the question was put on the amendment and it was negatived.

Clause 48 carried.

At 5:17 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 102**

**Thursday, February 18, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*


Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, CEPA Office;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 102

Thursday, February 18, 1999

The Standing Committee on Environment and Sustainable Development met at 9:15 a.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Jocelyne Girard-Bujold, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Sophia Leung for Sarkis Assadourian, Alex Shepherd for Sarkis Assadourian, Lynn Myers for Aileen Carroll, Ian Murray for Roger Gallaway.

*Associate Member present :* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin, Legislative Clerk. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel. Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:20 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

Clause 54 was allowed to stand.

Clause 62 was allowed to stand.

By unanimous consent, Clause 64 was allowed to stand.

By unanimous consent, Clause 68 was allowed to stand.

By unanimous consent, Clause 69 was allowed to stand.

Clause 75 was allowed to stand.

By unanimous consent, Clause 76 was allowed to stand.

### **New Clause.**

Karen Kraft Sloan moved, - That the following new clause be added immediately after line 5 on page 45:



"76.1 When the Ministers are conducting and interpreting the results of

(a) a screening assessment under section 74,

(b) a review of a decision of another jurisdiction under subsection 75(3) that, in their opinion, is based on scientific considerations and is relevant to Canada, or

(c) an assessment whether a substance specified on the Priority Substances List is toxic or capable of becoming toxic,

the Ministers shall apply a weight of evidence approach and the precautionary principle."

After debate, the question was put on the amendment and it was agreed to.

### **On Clause 81.**

By unanimous consent, the Committee resumed consideration of Clause 81.

Paddy Torsney moved, - That Clause 81 be amended by striking out, in the English version, line 21 on page 50 and substituting the following therefore:

"with the prescribed information, on or before the date"

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 81 be amended by striking out, in the English version, line 36 on page 50 and substituting the following therefore:

"with the prescribed information, on or before the date"

The question was put on the amendment and it was agreed to.

Rick Laliberté moved, - That Clause 81 be amended by striking out line 13 on page 51 and substituting the following therefore:

"not isolated and will not be released"

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 81 be amended

(a) by striking out lines 15 to 18 on page 51 and substituting the following therefore:

"(c) substances produced when a substance"

(b) by striking out line 23 on page 51 and substituting the following therefore:

"(d) a substance that is manufactured, used or"

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Clause 81, as amended, was allowed to stand.

At 10:59 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 103**

**Monday, March 1st, 1999**

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**ORDERS OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Department of the Environment:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, CEPA Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 103

Monday, March 1st, 1999

The Standing Committee on Environment and Sustainable Development met at 3:38 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Joe Jordan, Karen Kraft Sloan, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Clifford Lincoln for Karen Kraft Sloan, Pierre de Savoye for Jocelyne Girard-Bujold.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

At 3:38 p.m., Bill Gilmour gave notice of a motion to have the Minister of the Environment appear before the Committee in relation to the Estimates for the year ending March 31, 2000.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 3:45, the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 85.**

By unanimous consent, the Committee resumed consideration of Clause 85.

Paddy Torsney moved, - That Clause 85, as amended, be further amended by striking out after line 38 on page 55, the following:

"ing toxic, the Minister may, before the expiry of the period for"

and substituting the following therefore:

"ing toxic, the Minister may, within 90 days after the expiry of the period for"

The question was put on the sub-amendment and it was agreed to.

Clause 85, as amended, carried.

Clause 92 carried.

**On New Clause 92.1.**

Paddy Torsney moved - That the following new clause be added after line 25 on page 61:

"92.1 For the purposes of subsection 65(3), the Ministers may make regulations prescribing the quantity or concentration of a substance that may be released into the environment either alone or in combination with any other substance from any source or type of source."

The question was put on the new Clause 92.1 and it was agreed to.

**On Clause 194.**

By unanimous consent, the Committee resumed consideration of Clause 194.

By unanimous consent, Roger Gallaway moved, - That Clause 194 be amended

(a) by striking out line 14 on page 135 and substituting the following therefore:

"194. (1) For the purposes of this Part, any"

(b) by adding after line 26 on page 135 the following:

"(2) This Part does not apply to environmental emergencies caused by or otherwise attributable to a discharge or anticipated discharge of oil from a ship as defined under the *Canada Shipping Act*."

By unanimous consent, the amendment and the clause were allowed to stand.

**On Clause 140.**

By unanimous consent, the Committee resumed consideration of Clause 140.

Clifford Lincoln moved, - That Clause 140 be amended

(a) by striking out line 12 on page 101 and substituting the following therefore:

"(d) if the Governor in Council is of the"

(b) by striking out lines 15 to 19 on page 101 and substituting the following therefore:

"or reduction in, air pollution resulting from,

(a) directly or indirectly, the fuel or any of its components; or

(b) the fuel's effect on the operation or introduction of combustion or other engine technology or emission control equipment."

By unanimous consent, the amendment and the clause were allowed to stand.

Clause 244 carried.

At 4:48 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 104**

**Tuesday, March 2, 1999**

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**ORDERS OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Department of Justice:*

Simon Barker, Legal Counsel.

*Department of the Environment:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 104

Tuesday, March 2, 1999

The Standing Committee on Environment and Sustainable Development met at 9:16 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Karen Redman for Roger Gallaway, Clifford Lincoln for Karen Kraft Sloan.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office. From Transport Canada: Simon Barker, Counsel, Legal Services.

The Committee discussed its future business.

Bill Gilmour moved, - That in relation to the Main Estimates of Environment Canada for the fiscal year ending March 31, 2000, that the Committee call the Minister of the Environment to appear.

The question was put on the motion and it was agreed to.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:22 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 194.**

By unanimous consent, the Committee resumed consideration of Clause 194 and the amendment of Roger Gallaway, - That Clause 194 be amended

(a) by striking out line 14 on page 135 and substituting the following therefore:

"194. (1) For the purposes of this Part, any"

(b) by adding after line 26 on page 135 the following:

"(2) This Part does not apply to environmental emergencies caused by or otherwise attributable to a discharge or anticipated discharge of oil from a ship as defined under the *Canada Shipping Act*."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS 3

Roger Gallaway

Rick Casson

Bill Gilmour

NAYS 10

Gar Knutson

Aileen Carroll

Yvon Charbonneau

Joe Jordan

Clifford Lincoln

David Pratt

Paddy Torsney

Jocelyne Girard-Bujold

Rick Laliberté

John Herron

Clause 194 carried.

**On Clause 140.**

By unanimous consent, the Committee resumed consideration of Clause 140 and the amendment of Clifford Lincoln, - That Clause 140 be amended

(a) by striking out line 12 on page 101 and substituting the following therefore:

"(d) if the Governor in Council is of the"

(b) by striking out lines 15 to 19 on page 101 and substituting the following therefore:

"or reduction in, air pollution resulting from,

(a) directly or indirectly, the fuel or any of its components; or

(b) the fuel's effect on the operation or introduction of combustion or other engine technology or emission control equipment."

After debate, by unanimous consent, the amendment and the clause were allowed to stand.

**On Clause 101.**

After debate, by unanimous consent, the Committee resumed consideration of Clause 101.

Paddy Torsney moved, - That Clause 101 be amended by striking out lines 6 to 46 on page 71 and lines 1 to 12 on page 72 and substituting the following therefore:

"101. (1) Subject to subsection (4), no person shall export a substance specified in the Export Control List in Schedule 3 unless the person provides prior notice of the proposed export to the Minister in accordance with the regulations made under subsection 102(1).

(2) Subject to subsection (4), no person shall export a substance specified in Part 1 of the Export Control List in Schedule 3 unless the export of the substance

(a) is for the purpose of destroying the substance or complying with a direction under subparagraph 99(b) (iii); and

(b) is done in accordance with any regulations made under subsection 102 (1).

(3) Subject to subsection (4), no person shall export a substance specified in Part 2 or 3 of the Export Control List in Schedule 3 unless the export of the substance is done in accordance with any regulations made under subsection 102(1).

(4) No person shall export a substance specified in the Export Control List in Schedule 3 if the export of the substance is prohibited by a regulation made under subsection 102 (2)."

The question was put on the amendment and it was agreed to.

Clause 101, as amended, carried.

### **On Clause 102.**

By unanimous consent, the Committee resumed consideration of Clause 102.

Paddy Torsney moved, - That Clause 102 be amended by striking out lines 13 to 17 on page 72 and substituting the following therefore:

"102. (1) The Governor in Council may, on the recommendation of the Minister or the Ministers, make regulations in relation to substances specified in the Export Control List in Schedule 3

(a) respecting the information that must be given to the Minister regarding an export of such a substance, the time when or period within which the information must be given, and the manner in which it must be given;

(b) respecting the information that must accompany an export of such a substance and the manner in which it must accompany the substance;

(c) respecting conditions under which a person may export such a substance;

(d) respecting the information that must be kept by a person who exports such a substance and the manner in which, the period for which and the



place where the information must be kept; and

(e) generally for carrying out the purposes of section 101.

(2) The Governor in Council may, on the recommendation of the Minister or the Ministers, make regulations prohibiting the export of a substance specified in the Export Control List in Schedule 3."

It was agreed, - That the amendment be further amended by striking out in subsection (1) and subsection (2) "the Minister or".

The question was put on the amendment as amended and it was agreed to.

Clause 102, as amended, carried.

**On Clause 103.**

By unanimous consent, the Committee resumed consideration of Clause 103.

Paddy Torsney moved, - That Clause 103 be amended by striking out lines 18 to 45 on page 72 and substituting the following therefore:

"103. If a person exports a substance specified in the Export Control List in Schedule 3, the Minister shall publish in the Environmental Registry the name or specifications of the substance, the name of the exporter and the name of the country of destination."

The question was put on the amendment and it was agreed to.

Clause 103, as amended, carried.

At 11:07 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



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HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 105**

**Monday, March 8, 1999**

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**ORDERS OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Department of the Environment:*


Duncan Cameron, Legal Counsel, Legal Services;

Karen Lloyd, Manager, Environmental Protection Act Office;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 105

Monday, March 8, 1999

The Standing Committee on Environment and Sustainable Development met at 3:40 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Karen Redman for Aileen Carroll, Sarmite Bulte for Roger Gallaway, Bernard Bigras for Jocelyne Girard-Bujold.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

The witnesses answered questions.

At 3:43 p.m. the Committee resumed Clause-by-Clause consideration of the Bill.

### **On Clause 16.**

By unanimous consent, the Committee resumed consideration of Clause 16.

Paddy Torsney moved, - That Clause 16 be amended by striking out lines 20 to 34 on page 16 and substituting the following therefore:

"employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that

(a) the employer has made a report under subsection (1);

(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is an offence under or that is contrary to this Act; or

(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done by or under this Act."

The question was put on the amendment and it was agreed to.

Clause 16, as amended, carried.

#### **On Clause 96.**

By unanimous consent, the Committee resumed consideration of Clause 96.

Paddy Torsney moved, - That Clause 96 be amended by striking out lines 9 to 23 on page 68 and substituting the following therefore:

"employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that

(a) the employer has made a report under subsection (1);

(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is an offence under or that is contrary to this Act; or

(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done by or under this Act."

The question was put on the amendment and it was agreed to.

Clause 96, as amended, carried.

#### **On Clause 202.**

By unanimous consent, the Committee resumed consideration of Clause 202.

Paddy Torsney moved, - That Clause 202 be amended by striking out lines 46 to 48 on page 140 and lines 1 to 12 on page 141 and substituting the following therefore:

"employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that

(a) the employer has made a report under subsection (1);

(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is an offence under or that is contrary to this Act; or

(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done by or under this Act."

The question was put on the amendment and it was agreed to.

Clause 202, as amended, carried.

**On Clause 213.**

By unanimous consent, the Committee resumed consideration of Clause 213.

Paddy Torsney moved, - That Clause 213 be amended by striking out lines 4 to 19 on page 151 and substituting the following therefore:

"employer shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an employee, or deny an employee a benefit of employment, by reason that

(a) the employer has made a report under subsection (1);

(b) the employee, acting in good faith and on the basis of reasonable belief, has refused or stated an intention of refusing to do anything that is an offence under or that is contrary to this Act; or

(c) the employee, acting in good faith and on the basis of reasonable belief, has done or stated an intention of doing anything that is required to be done by or under this Act."

The question was put on the amendment and it was agreed to.

Clause 213, as amended, carried.

**On Clause 47.**

By unanimous consent, the Committee resumed consideration of Clause 47.

After debate, Clause 47 was allowed to stand.

**On Clause 2.**

By unanimous consent, the Committee resumed consideration of Clause 2.

Joe Jordan moved, - That Clause 2 be amended

(a) by striking out line 5 on page 3 and substituting the following therefore:

"the Constitution and laws of Canada and subject to subsection (1.1),"

(b) by adding after line 17 on page 4 the following:

"(1.1) The Government of Canada shall consider the following before taking any measure under paragraph (1)(a);

(a) the short and long-term human and ecological benefits arising from the environmental protection measure;

(b) the positive economic impacts arising from the measure, including those cost-savings arising from health, environmental, technological advances and innovation, among others; and



(c) any other benefits accruing from the measure.

(1.2) Nothing in this section shall be construed so as to prevent the taking of any action to protect the environment or human health for the purposes of this Act."

After debate, the question was put on the amendment and it was agreed to on the following division:

YEAS: 8

Yvon Charbonneau

Rick Casson

Bernard Bigras

Joe Jordan

Bill Gilmour

Rick Laliberté

Karen Kraft Sloan

John Herron

NAYS: 5

Gar Knutson

Sarmite Bulte

Paddy Torsney

Aileen Carroll

David Pratt

By unanimous consent, Joe Jordan moved, - That Clause 2 be amended by adding after line 5 on page 3 the following:

"(a) exercise its powers in a manner that protects the environment and human health, applies the precautionary principle that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation, and promotes and reinforces enforceable pollution prevention approaches."

After debate, the question was put on the amendment and it was agreed to on the following division:

YEAS: 7

Aileen Carroll

Bernard Bigras

Karen Kraft Sloan

Yvon Charbonneau

Rick Laliberté

Joe Jordan

John Herron

NAYS: 6

Gar Knutson

David Pratt

Rick Casson

Sarmite Bulte

Paddy Torsney

Bill Gilmour

At 5:40 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 106**

**Tuesday, March 9, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 106

Tuesday, March 9, 1999

The Standing Committee on Environment and Sustainable Development met at 9:27 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Member present:* Gar Knutson for Sarkis Assadourian.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

The witnesses answered questions.

At 9:32 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

### **On Clause 2.**

By unanimous consent, the Committee resumed consideration of Clause 2.

Paddy Torsney moved, - That the motion of John Herron "- That Clause 2, be amended by striking out line 6 on page 3 and substituting the following therefore: (a) take correctives preventive and reme-", negated by the Committee on November 4, 1998, be rescinded.

After debate, the question was put on the motion and it was agreed to.

Paddy Torsney moved, - That Clause 2 be amended by striking out line 6 on page 3 and substituting the following therefore:

"(a) take preventive and reme-"

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 2 be amended by striking out line 22 on page 3 and substituting the following therefore:

"(g) establish nationally con-"

The question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 2 be amended by striking out lines 30 to 32 on page 3 and substituting the following therefore:

"(j) protect the environment, including its biological diversity, and human health, from any adverse effects of the use and release of toxic substances, products of biotechnology, pollutants and other wastes;"

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 2 be amended by striking out, in the English version, line 33 on page 3 and substituting the following therefore:

"(k) endeavour to act expeditiously and diligently to assess"

The question was put on the amendment and it was agreed to.

Bill Gilmour moved, - That Clause 2 be amended by adding after line 38 on page 3 the following:

"(k.1) take actions that are based on considerations of environmental and health risks and other social, economic and technical matters and give priority to those actions;"

The question was put on the amendment and it was negated.

Karen Kraft Sloan moved, - That Clause 2 be amended by striking out lines 1 to 5 on page 4 and substituting the following therefore:

"(l) continue to seek the co-operation of provinces and Aboriginal Peoples in resolving environmental issues requiring inter-jurisdictional solutions;"

After debate, by unanimous consent, the amendment was withdrawn.

Joe Jordan moved, - That Clause 2 be amended by striking out lines 1 to 5 on page 4 and substituting the following therefore:

"(l) endeavour to act with regard to the intent of intergovernmental agreements and arrangements entered into for the purpose of achieving the highest level of environmental quality throughout Canada;"

After debate, the question was put on the amendment and it was agreed to.

Joe Jordan moved, - That Clause 2 be amended by striking out lines 10 and 11 on page 4 and substituting the following therefore:

"mentary manner in order to provide effective and compre-"

After debate, the question was put on the amendment and it was negatived.

Jocelyne Girard-Bujold moved, - That Clause 2 be amended by striking out line 15 on page 4 and substituting the following therefore:

"coordinated manner; and"

After debate, the question was put on the amendment and it was agreed to.

Jocelyne Girard-Bujold moved, - That Clause 2 be amended by striking out line 16 on page 4 and substituting the following therefore:

"(o) apply and enforce this Act"

After debate, the question was put on the amendment and it was agreed to.

Jocelyne Girard-Bujold moved, - That Clause 2 be amended by striking out line 17 on page 4 and substituting the following therefore:

"in a fair, predictable and consistent manner; and

(p) take into account the traditional knowledge of aboriginal peoples."

After debate, by unanimous consent, the amendment was withdrawn.

Bill Gilmour moved, - That Clause 2 be amended by striking out line 17 on page 4 and substituting the following therefore:

"in a fair, predicable, consistent and open manner."

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 2 be amended by deleting lines 18 to 28 on page 4.

After debate, the question was put on the amendment and it was agreed to.

At 11:04 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 107**

**Wednesday, March 10, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.







## MINUTES OF PROCEEDINGS

Meeting No. 107

Wednesday, March 10, 1999

The Standing Committee on Environment and Sustainable Development met at 4:07 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Ian Murray for Roger Gallaway, Joseph Volpe for Roger Gallaway.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 4:08 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

Clause 2, as amended, carried.

### **On Clause 330.**

By unanimous consent, the Committee resumed consideration of Clause 330.

Joe Jordan moved, - That Clause 330 be amended by deleting lines 17 to 24 on page 209.

After debate, by unanimous consent, the amendment and the clause were allowed to stand.

Clause 13, as amended, carried.

### **On Clause 47.**

By unanimous consent, the Committee resumed consideration of Clause 47.

Rick Laliberté moved, - That Clause 47 be amended by striking out line 1 on page 29 and substituting the following therefore:

"47. (1) The Minister may issue guidelines"

After debate, by unanimous consent, the amendment was withdrawn.

Paddy Torsney moved, - That Clause 47 be amended by striking out line 2 on page 29 and substituting the following therefore:

"respecting the use of the powers"

The question was put on the amendment and it was agreed to.

Rick Laliberté moved, - That Clause 47 be amended by striking out lines 3 to 16 on page 29 and substituting the following therefore:

"provided for by subsection 46(1)."


After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Clause 47 was allowed to stand.

At 5:26 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

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## MINUTES OF PROCEEDINGS

Meeting No. 107

Wednesday, March 10, 1999

The Standing Committee on Environment and Sustainable Development met at 4:07 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Ian Murray for Roger Gallaway, Joseph Volpe for Roger Gallaway.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 4:08 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

Clause 2, as amended, carried.

### **On Clause 330.**

By unanimous consent, the Committee resumed consideration of Clause 330.

Joe Jordan moved, - That Clause 330 be amended by deleting lines 17 to 24 on page 209.

After debate, by unanimous consent, the amendment and the clause were allowed to stand.

Clause 13, as amended, carried.

### **On Clause 47.**

By unanimous consent, the Committee resumed consideration of Clause 47.

Rick Laliberté moved, - That Clause 47 be amended by striking out line 1 on page 29 and substituting the following therefore:

"47. (1) The Minister may issue guidelines"

After debate, by unanimous consent, the amendment was withdrawn.

Paddy Torsney moved, - That Clause 47 be amended by striking out line 2 on page 29 and substituting the following therefore:

"respecting the use of the powers"

The question was put on the amendment and it was agreed to.

Rick Laliberté moved, - That Clause 47 be amended by striking out lines 3 to 16 on page 29 and substituting the following therefore:

"provided for by subsection 46(1)."

After debate, the question was put on the amendment and it was negatived.

By unanimous consent, Clause 47 was allowed to stand.

At 5:26 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 108**

**Thursday, March 11, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

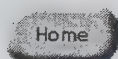
*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





## MINUTES OF PROCEEDINGS

Meeting No. 108

Thursday, March 11, 1999

The Standing Committee on Environment and Sustainable Development met at 9:20 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Beth Phinney for Aileen Carroll, Marlene Catterall for Roger Gallaway, Clifford Lincoln for Karen Kraft Sloan.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:24 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 138.**

By unanimous consent, the Committee resumed consideration of Clause 138.

Paddy Torsney moved, - That Clause 138 be amended by striking out lines 30 to 32 on page 99 and substituting the following therefore:

"138. The definitions in this section apply in this Division.

"engine" means a device that transforms one form of energy into another.

"national fuels mark" means a mark established by regulation for use in respect of fuels."

After debate, the question was put on the amendment and it was agreed to.

Clause 138, as amended, carried.

**On Clause 47.**

By unanimous consent, the Committee resumed consideration of Clause 47.

Rick Laliberté moved, - That Clause 47 be amended by striking out line 4 on page 29 and substituting the following therefore:

"issuing those guidelines, the Minister may"

After debate, the question was put on the amendment and it was negatived.

Joe Jordan moved, - That Clause 47 be amended by striking out line 8 on page 29 and substituting the following therefore:

"(a) the costs and benefits to the Minister and the person"

After debate, the question was put on the amendment and it was agreed to.

Jocelyne Girard-Bujold moved, - That Clause 47 be amended by striking out line 18 on page 29 and substituting the following therefore:

"tion (1), the Minister shall consult with"

By unanimous consent, the amendment and the clause were allowed to stand.

**On Clause 140.**

By unanimous consent, the Committee resumed consideration of Clause 140.

Clifford Lincoln moved, - That Clause 140 be amended

(a) by striking out line 12 on page 101 and substituting the following therefore:

"(d) if the Governor in Council is of the"

(b) by striking out lines 15 to 19 on page 101 and substituting the following therefore:

"or reduction in, air pollution resulting from,

(a) directly or indirectly, the fuel or any of its components; or

(b) the fuel's effect on the operation, performance or introduction of combustion or other engine technology or emission control equipment."

After debate, the question was put on the amendment and it was agreed to.

By unanimous consent, Clause 140 was allowed to stand.

**On Clause 81.**

By unanimous consent, the Committee resumed consideration of Clause 81.

Paddy Torsney moved, - That Clause 81 be amended by striking out lines 27 to 46 on page 51 and lines 1 to 3 on page 52 and substituting the following therefore:

"(7) For the purposes of the administration of this section, the Governor in Council has the exclusive responsibility for determining whether or not the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, and

(a) if the Governor in Council determines that the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, the Governor in Council may by order add to Schedule 2 the name of that Act or those regulations, as the case may be, and the fact that an Act or regulations are listed in Schedule 2 is conclusive proof that the requirements referred to in paragraph (6)(a) are met; and

(b) if the Governor in Council determines that the requirements referred to in paragraph (6)(a) are no longer met by or under an Act of Parliament, or regulations, listed in Schedule 2, the Governor in Council may by order delete from Schedule 2 the name of that Act or those regulations, as the case may be."

After debate, by unanimous consent, the amendment and the clause were allowed to stand.

### **On Clause 93.**

By unanimous consent, the Committee resumed consideration of Clause 93.

Joe Jordan moved, - That Clause 93 be amended by deleting lines 38 to 43 on page 63.

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 93 be amended by deleting lines 1 to 16 on page 64.

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Clause 93 be amended by striking out line 22 on page 64 and substituting the following therefore:

"any other Act of Parliament in a manner that provides, in the opinion of the Governor in Council, sufficient protection to the environment and human health."

Debate arose thereon.

Clifford Lincoln moved that the amendment be amended by striking out the word "sufficient" and substituting the word "equivalent" therefore and inserting between the words "environment" and "and" the words "its biological diversity".

After debate, the question was put on the sub-amendment and it was negatived.

The question was put on the amendment and it was agreed to.



Clause 93, as amended, carried.

**On Clause 94.**

By unanimous consent, the Committee resumed consideration of Clause 94.

Paddy Torsney moved, - That Clause 94 be amended by striking out line 44 on page 64 and substituting the following therefore:

"regulation made under subsection 93(1)."

The question was put on the amendment and it was agreed to.

Clause 94, as amended, carried.

**On Clause 106.**

By unanimous consent, the Committee resumed consideration of Clause 106.

Rick Laliberté moved, - That Clause 106 be amended by deleting lines 26 to 45 on page 75 and lines 1 to 17 on page 76.

After debate, the question was put on the amendment and it was negatived.

Clifford Lincoln moved, - That Clause 106 be amended by striking out lines 31 to 33 on page 75 and substituting the following therefore:

"ture, import or sale of the living organism, for an assessment of whether it is toxic or capable of becoming toxic, and for the regulation or control of any potential risks to the environment, including biodiversity, and human health, identified by that assessment;"

After debate, by unanimous consent, the amendment and the clause were allowed to stand.

At 11:08 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 109**

**Tuesday, March 16, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 109

Tuesday, March 16, 1999

The Standing Committee on Environment and Sustainable Development met at 9:15 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Gérard Asselin, Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, , Bill Gilmour, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Karen Redman for Roger Gallaway, Gilles Perron for Jocelyne Girard-Bujold.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:18 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 106.**

By unanimous consent, the Committee resumed consideration of Clause 106 and the amendment of Clifford Lincoln - That Clause 106 be amended by striking out lines 31 to 33 on page 75 and substituting the following therefore:

"ture, import or sale of the living organism, for an assessment of whether it is toxic or capable of becoming toxic, and for the regulation or control of any potential risks to the environment, including biodiversity, and human health, identified by that assessment;"

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 106 be amended by striking out lines 40 to 45 on page 75 and lines 1 to 17 on page 76 and substituting the following therefore:

"(7) For the purposes of the administration of this section, the Governor in Council has the exclusive responsibility for determining whether or not the requirements referred to in paragraph (6) (a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, and

(a) if the Governor in Council determines that the requirements referred to in paragraph (6) (a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, the Governor in Council may by order add to Schedule 4 the name of that Act or those regulations, as the case may be, and the fact that an Act or regulations are listed in Schedule 4 is conclusive proof that the requirements referred to in paragraph (6) (a) are met; and

(b) if the Governor in Council determines that the requirements referred to in paragraph (6) (a) are no longer met by or under an Act of Parliament, or regulations, listed in Schedule 4, the Governor in Council may by order delete from Schedule 4 the name of that Act or those regulations, as the case may be."

After debate, the question was put on the amendment resulting in the following division:

YEAS: 7

Gar Knutson	Karen Redman	Paddy Torsney
Aileen Carroll	Joe Jordan	Yvon Charbonneau
	David Pratt	

NAYS: 7

Karen Kraft Sloan	Gérard Asselin	John Herron
Rick Casson	Gilles Perron	Bill Gilmour
	Rick Laliberté	

And the result of the vote having been announced: YEAS: 7 - NAYS: 7.

The Chairman cast his vote in the negative and the amendment was negatived.

John Herron moved, - That Clause 106 be amended by striking out lines 40 to 45 on page 75 and lines 1 to 17 on page 76 and substituting the following therefore:

"(7) For the purposes of the administration of this section, the Minister and the Minister of Health, where appropriate, shall determine whether the requirements referred to in paragraph (5) (a) are met.



(7.1) A determination shall be made under subsection (7) only if the Minister is or the Ministers are satisfied, as the case may be, that the notice and assessment provisions in any other Act of Parliament are equivalent to the notice and assessment provisions in this Act.

(8) Any Act of Parliament or regulations in Schedule 2 have been determined by the Minister or the Ministers, as the case may be, that the requirements referred to in paragraph (6) (a) and subsection (7.1) are met or are no longer met by or under that other Act, the Governor in Council may, on the recommendation of the Minister or the Ministers, as the case may be, by order, add the name of that other Act or any regulations made under that Act to Schedule 2 or delete the name, as the case may be."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 6

Yvon Charbonneau

Gérard Asselin

Rick Laliberté

Karen Kraft Sloan

Gilles Perron

John Herron

NAYS: 8

Gar Knutson

Joe Jordan

Rick Casson

Aileen Carroll

David Pratt

Bill Gilmour

Karen Redman

Paddy Torsney

John Herron moved, - That Clause 106 be amended by striking out lines 40 to 45 on page 75 and lines 1 to 17 on page 76 and substituting the following therefore:

"(7) For the purposes of the administration of this section, the Minister and, where appropriate, the Minister of Health, is responsible for determining whether or not the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, and

(a) if the Minister and, where appropriate, the Minister of Health, determine that the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, the Minister and, where appropriate, the Minister of Health, may by order add to Schedule 4 the name of that Act or those regulations, as the case may be; and

(b) if the Minister and, where appropriate, the Minister of Health, determine that the requirements referred to in paragraph (6)(a) are no longer met by or under an Act of Parliament, or regulations, listed in Schedule 4, the Minister and, where appropriate, the Minister of Health, may by order delete from Schedule 4 the name of that Act or those regulations, as the case may be."

After debate, the question was put on the amendment and it was agreed to on the following division:

YEAS: 9

Yvon Charbonneau

Rick Casson

Rick Laliberté

Joe Jordan

Bill Gilmour

John Herron

Karen Kraft Sloan

Gilles Perron

Gérard Asselin

NAYS: 5

Gar Knutson

Aileen Carroll

Karen Redman

Paddy Torsney

David Pratt

Rick Laliberté moved, - That Clause 106 be amended by striking out line 20 on page 76 and substituting the following therefore:

"Minister may, by order, waive any of the requirements to"

After debate, the question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 106 be amended

(a) by striking out lines 25 to 33 on page 76 and substituting the following therefore:

"toxic or capable of becoming toxic; or

(b) it is not, in the opinion of the Ministers,"

(b) by deleting lines 40 to 47 on page 76.

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 106 be amended by striking out lines 18 and 19 on page 77 and substituting the following therefore:

"considering

(a) any corrections received under subsection (13), or

(b) the information provided under subsection (14), that a living organism is toxic"

The question was put on the amendment and it was agreed to.

Clause 106, as amended, carried.

**On Clause 115.**

By unanimous consent, the Committee resumed consideration of Clause 115.

Rick Laliberté moved, - That Clause 115 be amended by striking out lines 39 to 42 on page 83 and substituting the following therefore:

"(2) A regulation made under subsection (1) in respect of any living organism applies notwithstanding that the regulation regulates"

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 115 be amended by striking out line 45 on page 83 and substituting the following therefore:

"Parliament in a manner that provides, in the opinion of the Governor in Council, sufficient protection to the environment and human health."

At 11:21 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 110**

**Tuesday, March 16, 1999**

---

**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 110

Tuesday, March 16, 1999

The Standing Committee on Environment and Sustainable Development met at 3:45 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Gérard Asselin, Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Ghislain Lebel for Jocelyne Girard-Bujold.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 3:47 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 115.**

By unanimous consent, the Committee resumed consideration of Clause 115 and the amendment of Paddy Torsney, that Clause 115 be amended by striking out line 45 on page 83 and substituting the following therefore:

"Parliament in a manner that provides, in the opinion of the Governor in Council, sufficient protection to the environment and human health."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 6

Gar Knutson  
Roger Gallaway

Aileen Carroll  
David Pratt

Yvon Charbonneau  
Paddy Torsney

NAYS: 8

Joe Jordan  
Bill Gilmour  
Rick Laliberté

Karen Kraft Sloan  
Gérard Asselin

Rick Casson  
Ghislain Lebel  
John Herron

John Herron moved, - That Clause 115 be amended by

(a) striking out line 41 and 42 on page 83 and substituting the following therefore:

"a) any living organism if the regulation regulates"

(b) striking out line 45 on page 83 and substituting the following therefore:

"a) notice to be given before the manufacture, import or sale of the living organism,

b) an assessment of whether the living organism is toxic or capable of becoming toxic and,

c) the regulation or control of any potential risks to the environment, or its biological diversity and human health, identified by that assessment."

After debate, the question was put on the amendment and it was agreed to on the following division:

YEAS: 9

Yvon Charbonneau  
Ghislain Lebel  
Gérard Asselin

Joe Jordan  
Rick Casson  
Rick Laliberté

Karen Kraft Sloan  
Bill Gilmour  
John Herron

NAYS: 5

Gar Knutson  
David Pratt

Aileen Carroll

Roger Gallaway  
Paddy Torsney

Clause 115, as amended, carried.

**On Clause 200.**

By unanimous consent, the Committee resumed consideration of Clause 200.

Rick Laliberté moved, - That Clause 200 be amended by striking out lines 14 to 16 on page 138 and substituting the following therefore:

"depends,

(iii) constitute or may constitute a danger in Canada to human life or health; or

(iv) have or may have an immediate or long-term effect on the conservation and sustainable use of biological diversity;"

After debate, the question was put on the amendment and it was negatived.

Paddy Torsney moved, - That Clause 200 be amended by striking out line 11 on page 138 and substituting the following therefore:

"ment or its biological diversity,"

The question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 200 be amended by striking out lines 3 to 7 on page 139 and substituting the following therefore:

"(2) The Governor in Council shall not make a regulation under subsection (1) if the matter is regulated by or under any other Act of Parliament and the Governor in Council is satisfied that the regulation by or under any other Act of Parliament provides for a level of protection to human health or the environment that is at least equal to the level of protection that would be provided under this Act."

After debate, by unanimous consent, the amendment et the clause were allowed to stand.

**On Clause 210.**

By unanimous consent, the Committee resumed consideration of Clause 210.

Paddy Torsney moved, - That Clause 210 be amended by striking out lines 27 to 36 on page 148 and substituting the following therefore:

"210. Where the Governor in Council is of the opinion that provisions of any other Part of this Act or any other Act of Parliament, or regulations made under them,

(a) are in force in respect of an aspect of the protection of the environment,

(b) apply to a federal work or undertaking, federal land or aboriginal land,  
and

(c) provide sufficient protection to the environment and human health,

the Governor in Council may make an order stating that opinion and, if such an order is made, regulations made under this Part relating to the same aspect do not apply to the federal work or undertaking, the federal land or the aboriginal land."

After debate, the question was put on the amendment and it was agreed to on the following division:

YEAS: 8

Gar Knutson	Aileen Carroll	Yvon Charbonneau
Roger Gallaway	David Pratt	Paddy Torsney
Rick Casson		Bill Gilmour

NAYS: 5

Joe Jordan	Karen Kraft Sloan	Gérard Asselin
Rick Laliberté		John Herron

Clause 210, as amended, carried.

**On Clause 81.**

By unanimous consent, the Committee resumed consideration of Clause 81.

Paddy Torsney moved, - That Clause 81 be amended by striking out lines 27 to 46 on page 51 and lines 1 to 3 on page 52 and substituting the following therefore:

"(7) For the purposes of the administration of this section, the Governor in Council has the exclusive responsibility for determining whether or not the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, and

(a) if the Governor in Council determines that the requirements referred to in paragraph (6)(a) are met by or under an Act of Parliament referred to in that paragraph, or regulations made under that Act, the Governor in Council may by order add to Schedule 2 the name of that Act or those regulations, as the case may be, and the fact that an Act or regulations are listed in Schedule 2 is conclusive proof that the requirements referred to in paragraph (6)(a) are met; and

(b) if the Governor in Council determines that the requirements referred to in paragraph (6)(a) are no longer met by or under an Act of Parliament, or regulations, listed in Schedule 2, the Governor in Council may by order



delete from Schedule 2 the name of that Act or those regulations, as the case may be."

After debate, the question was put on the amendment and it was agreed to on the following division:

YEAS: 9

Gar Knutson	Aileen Carroll	Yvon Charbonneau
Roger Gallaway	Joe Jordan	David Pratt
Paddy Torsney	Rick Casson	Bill Gilmour

NAYS: 4

Karen Kraft Sloan	Gérard Asselin	Rick Laliberté
	John Herron	

By unanimous consent, Clause 81 was allowed to stand.

At 5:27 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 111**

**Wednesday, March 17, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





## MINUTES OF PROCEEDINGS

Meeting No. 111

Wednesday, March 17, 1999

The Standing Committee on Environment and Sustainable Development met at 3:42 p.m. this day, in Room 269, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Ian Murray for Sarkis Assadourian, Gar Knutson for Sarkis Assadourian, Ian Murray for Aileen Carroll.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 3:48 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 81.**

By unanimous consent, the Committee resumed consideration of Clause 81.

Rick Laliberté moved, - That Clause 81 be amended by striking out line 6 on page 52 and substituting the following therefore:

"Minister may, by order, waive any of the requirements to"

The question was put on the amendment and it was negatived.

Rick Laliberté moved, - That Clause 81 be amended by deleting lines 12 to 18 on page 52.

After debate, the question was put on the amendment and it was negatived.



Paddy Torsney moved, - That Clause 81 be amended by striking out lines 4 and 5 on page 53 and substituting the following therefore:

"considering

(a) any corrections received under subsection (13), or

(b) the information provided under subsection (14),

that a substance is toxic or"

The question was put on the amendment and it was agreed to.

Clause 81, as amended, carried on division.

#### **On Clause 47.**

By unanimous consent, the Committee resumed consideration of Clause 47.

Jocelyne Girard-Bujold moved, - That Clause 47 be amended by striking out line 18 on page 29 and substituting the following therefore:

"tion (1), the Minister shall consult with"

After debate, the question was put on the amendment and it was negatived.

Clause 47 was allowed to stand.

#### **On Clause 64.**

By unanimous consent, the Committee resumed consideration of Clause 64.

Rick Laliberté moved, - That Clause 64 be amended

(a) by striking out lines 25 and 26 on page 37 and substituting the following therefore:

"enter the environment under conditions that"

(b) by striking out line 34 on page 37 and substituting the following therefore:

"Canada to human life or health; or

(d) have or may have an immediate or long-term harmful effect on the conservation and sustainable use of biological diversity."

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 65 be amended by striking out lines 27 to 29 on page 37 as renumbered in Committee as Clause 64 on Wednesday, November 25, 1998, and substituting the following therefore:

"(a) have or may have an immediate or long-term harmful effect on the environment and biological diversity;"

The question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Clause 65 be amended by striking out lines 30 to 32 on page 37 as renumbered in Committee as Clause 64 on Wednesday, November 25, 1998, and substituting the following therefore:

"(b) constitute or may constitute a danger to the environment on which life depends; or"

After debate, the question was put on the amendment and it was agreed to.

Clause 64, as amended, carried.

#### **On Clause 68.**

By unanimous consent, the Committee resumed consideration of Clause 68.

Rick Laliberté moved, - That Clause 68 be amended by striking out line 23 on page 39 and substituting the following therefore:

"either Minister shall"

After debate, the question was put on the amendment and it was negatived.

Clause 68 was allowed to stand.

#### **On Clause 69.**

Joe Jordan moved, - That Clause 69 be amended by adding after line 34, page 40 the following:

"(2.1) Nothing in subsection (2) shall prevent the Minister from exercising the powers under subsection (1) at any time after the sixtieth day following the day an offer is made under subsection (2)."

After debate, the question was put on the amendment and it was agreed to.

Clause 69, as amended, carried.

#### **On Clause 75.**

By unanimous consent, the Committee resumed consideration of Clause 75.

Rick Laliberté moved, - That Clause 75 be amended by striking out lines 42 to 46 on page 43 and substituting the following therefore:

"capable of becoming toxic."

After debate, the question was put on the amendment and it was negatived.

Clause 75 carried.

At 5:38 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 112**

**Thursday, March 18, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 112

Thursday, March 18, 1999

The Standing Committee on Environment and Sustainable Development met at 9:18 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Beth Phinney for Yvon Charbonneau, Marlene Catterall for Roger Gallaway, Janko Peric for Joe Jordan, Lou Sekora for Joe Jordan, Jerry Pickard for Yvon Charbonneau, Carmen Provenzano for Roger Gallaway.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 9:22 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 76.**

By unanimous consent, the Committee resumed consideration of Clause 76.

Karen Kraft Sloan moved, - That Clause 76 be amended by adding after line 19 on page 44 the following:

"(2.1) Nothing in subsection (2) shall prevent the Minister from carrying out the duties and exercising the powers under subsection (1) at any time after the sixtieth day following the day an offer is made under subsection (2), if that offer is not accepted"

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 5

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

John Herron

NAYS: 7

Gar Knutson

Beth Phinney

Marlene Catterall

Lou Sekora

David Pratt

Paddy Torsney

Bill Gilmour

Clause 76 carried.

**On Clause 121.**

By unanimous consent, the Committee resumed consideration of Clause 121.

Rick Laliberté moved, - That Clause 121 be amended by striking out line 8 on page 87 and substituting the following therefore:

"(b) shall organize conferences relating to the"

After debate, the question was put on the amendment and it was negatived.

Aileen Carroll moved, - That Clause 121 be amended by adding after line 17 on page 87 the following:

"(3) Nothing in subsection (2) shall prevent the Minister from carrying out the functions set out in subsection (1) at any time after the sixtieth day following the day an offer is made under paragraph (2)(a)."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 5

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

John Herron

NAYS: 7

Gar Knutson

Beth Phinney

Marlene Catterall

Lou Sekora

David Pratt

Paddy Torsney

Bill Gilmour

Clause 121 carried.

**On Clause 140.**

By unanimous consent, the Committee resumed consideration of Clause 140.

Karen Kraft Sloan moved, - That Clause 140 be amended by adding after line 35 on page 101 the following:

"(5) Nothing in subsection (4) shall prevent the Minister from recommending a regulation to the Governor in Council under subsection (1)

(a) at any time it is necessary to do so in order to protect the environment, the environment on which human life depends or human life or health from actual or imminent harm; or

(b) at any time after the sixtieth day following the day an offer is made under subsection (4) if that offer is not accepted."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 5

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

John Herron

NAYS: 8

Gar Knutson

Beth Phinney

Marlene Catterall

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 140, as amended, carried.

**On Clause 145.**

By unanimous consent, the Committee resumed consideration of Clause 145.

Karen Kraft Sloan moved, - That Clause 145 be amended by adding after line 30 on page 103 the following:

"(3) Nothing in subsection (2) shall prevent the Minister from recommending a regulation to the Governor in Council under subsection (1) at any time after the sixtieth day following the day an offer is made under subsection (2), if that offer is not accepted"

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 5

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

John Herron

NAYS: 8

Gar Knutson

Beth Phinney

Marlene Catterall

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 145 carried.

**On Clause 166.**

By unanimous consent, the Committee resumed consideration of Clause 166.

Karen Kraft Sloan moved, - That Clause 166 be amended

(a) by striking out lines 31 and 32 on page 117 and substituting the following therefore:

"is not a federal source, the Minister

(a) may consult with any government responsi-"

(b) by striking out line 37 on page 117 and substituting the following therefore:

"(b) may, if a government referred to in paragraph"

After debate, by unanimous consent, the amendment was withdrawn.

Bill Gilmour moved, - That Clause 166 be amended by striking out, in the English version, line 32 on



page 117 and substituting the following therefore:

"(a) consult with the government responsi-

After debate, the amendment and the clause were allowed to stand.

**On Clause 173.**

By unanimous consent, the Committee resumed consideration of Clause 173.

Rick Laliberté moved, - That Clause 173 be amended by striking out lines 4 to 16 on page 123 and substituting the following therefore:

"(4) The Governor in Council shall not approve an interim order unless the Minister has within 24 hours after making the order, offered to consult with all affected governments to determine whether they are prepared to take sufficient action to deal with the significant danger."

Debate arose thereon.

Jocelyne Girard-Bujold moved that the amendment be amended by changing the word "Minister has" to "Ministers have".

The question was put on the sub-amendment was negatived.

The question was put on the amendment and it was negatived.

Clause 173 carried.

**On Clause 183.**

By unanimous consent, the Committee resumed consideration of Clause 183.

Rick Laliberté moved, - That Clause 183 be amended by striking out lines 4 to 13 on page 130 and substituting the following therefore:

"within 24 hours after making the order, offered to consult with all affected governments to determine whether they are prepared to take sufficient action to deal with the significant danger."

After debate, the question was put on the amendment and it was negatived.

Clause 183 carried.

**On Clause 197.**

By unanimous consent, the Committee resumed consideration of Clause 197.

Karen Kraft Sloan moved, - That Clause 197 be amended

(a) by striking out line 9 on page 136 and substituting the following therefore:



"Consultation

197. (1) In carrying out the responsibilities"

(b) by adding after line 19 on page 136 the following:

"(2) Nothing in subsection (1) shall prevent the Minister from carrying out the responsibilities conferred by section 196 at any time after the sixtieth day following the day an offer is made under that subsection."

The question was put on the amendment and it was negatived on the following division:

YEAS: 4

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

NAYS: 8

Gar Knutson

Jerry Pickard

Carmen Provenzano

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 197 carried.

**On Clause 208.**

By unanimous consent, the Committee resumed consideration of Clause 208.

Karen Kraft Sloan moved, - That Clause 208 be amended by adding after line 22 on page 145 the following:

"(3) Nothing in subsection (2) shall prevent the Minister from establishing an objective, a guideline or a code of practice under subsection (1) at any time that is the sixtieth day following the day an offer is made under paragraph (2)(a)."

The question was put on the amendment and it was negatived on the following division:

YEAS:4

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

NAYS: 8

Gar Knutson

Jerry Pickard

Carmen Provenzano

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 208 carried.

**On Clause 209.**

By unanimous consent, the Committee resumed consideration of Clause 209.

Jocelyne Girard-Bujold moved, - That Clause 209 be amended by striking out line 18 on page 148 and substituting the following therefore:

"(a) shall consult with the govern-"

After debate, the question was put on the amendment and it was negatived.

Karen Kraft Sloan moved, - That Clause 209 be amended by adding after line 26 on page 148 the following:

"(4) Nothing in subsection (3) shall prevent the Minister from recommending to the Governor in Council a regulation under this section

(a) at any time it is necessary to so in order to protect the environment, the environment on which human life depends or human life or health from actual or imminent harm; or

(b) at any time after the sixtieth day following the day an offer is made under paragraph (3)(a)."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 4

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

NAYS: 8

Gar Knutson

Jerry Pickard

Carmen Provenzano

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 209 carried.

**On Clause 323.**

By unanimous consent, the Committee resumed consideration of Clause 323.

Karen Kraft Sloan moved, - That Clause 323 be amended

(a) by striking out line 27 on page 205 and substituting the following therefore:

"Consultation

323. (1) In carrying out the responsibilities"

(b) by adding after line 38 on page 205 the following:

"(2) Nothing in subsection (1) shall prevent the Minister from carrying out the responsibilities conferred by section 322 at any time after the sixtieth day following the day an offer is made under that subsection."

After debate, the question was put on the amendment and it was negived on the following division:

YEAS: 4

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

NAYS: 8

Gar Knutson

Jerry Pickard

Carmen Provenzano

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 323 carried.

**On Clause 47.**

By unanimous consent, the Committee resumed consideration of Clause 47.

Karen Kraft Sloan moved, - That Clause 47 be amended by adding after line 26 on page 29 the following:

"(3) Nothing in subsection (2) shall prevent the Minister from carrying out the duties under subsection (1) at any time after the sixtieth day following the day an offer is made under subsection (2)."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 3

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

NAYS: 8

Gar Knutson

Jerry Pickard

Carmen Provenzano

Lou Sekora

David Pratt

Paddy Torsney

Rick Casson

Bill Gilmour

Clause 47, as amended, carried.

**On Clause 54.**

By unanimous consent, the Committee resumed consideration of Clause 54.

Karen Kraft Sloan moved, - That Clause 54 be amended by adding after line 29 on page 32 the following:

"(3.1) Nothing in subsection (3) shall prevent the Minister from carrying out the duties under subsection (1) at any time after the sixtieth day following the day an offer is made under subsection (3)."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 4

Aileen Carroll

Karen Kraft Sloan

Jocelyne Girard-Bujold

Rick Laliberté

NAYS: 7

Gar Knutson

Jerry Pickard

Carmen Provenzano

Lou Sekora

David Pratt

Paddy Torsney

Bill Gilmour

Clause 54 carried.

At 12:06 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 113**

**Thursday, March 18, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 113

Thursday, March 18, 1999

The Standing Committee on Environment and Sustainable Development met at 3:22 p.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Paul Forseth, Bill Gilmour, Jocelyne Girard-Bujold, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian, Lynn Myers for Roger Gallaway, Beth Phinney for Joe Jordan, Jack Ramsay for Paul Forseth.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Committees and Legislative Services Directorate :* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Research Officer. *From Resources Futures International:* John Moffet, consultant.

*Witnesses:* From Environment Canada: Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 3:24 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### **On Clause 62.**

By unanimous consent, the Committee resumed consideration of Clause 62.

Karen Kraft Sloan moved, - That Clause 62 be amended by adding after line 22 on page 36 the following:

"(3) Nothing in subsection (2) shall prevent the Minister from carrying out the duties under subsection (1) at any time after the sixtieth day following the day an offer is made under subsection (2)."

After debate, the question was put on the amendment and it was negatived on the following division:

YEAS: 5

Aileen Carroll  
Jocelyne Girard-Bujold

Yvon Charbonneau

Karen Kraft Sloan  
Rick Laliberté

NAYS: 8

Gar Knutson  
David Pratt  
Bill Gilmour

Lynn Myers  
Paddy Torsney

Beth Phinney  
Rick Casson  
Paul Forseth

Clause 62 carried.

**On Clause 122.**

By unanimous consent, the Committee resumed consideration of Clause 122.

Rick Laliberté moved, - That Clause 122 be amended by striking out line 24 on page 88 and substituting the following therefore:

"(g) a disposal that is"

After debate, the question was put on the amendment and it was negated.

Rick Laliberté moved, - That Clause 122 be amended by deleting lines 44 and 45 on page 88 and lines 1 to 3 on page 89.

After debate, the question was put on the amendment and by unanimous consent, the amendment was withdrawn.

Rick Laliberté moved, - That Clause 122 be amended by striking out line 45 on page 88 and substituting the following therefore:

"(j) a storage directly arising"

After debate, the question was put on the amendment and it was negated.

Clause 122 was allowed to stand.

**On Clause 149.**

By unanimous consent, the Committee resumed consideration of Clause 149.

Rick Laliberté moved, - That Clause 149 be amended by striking out line 17 on page 105 and substituting the following therefore:

"bustion engine, including an en-"

After debate, the question was put on the amendment and it was negated.

Rick Laliberté moved, - That Clause 149 be amended by striking out line 42 on page 105 and substituting the following therefore:

"pelled vehicle, including"

After debate, the question was put on the amendment and it was negatived.

Clause 149 carried.

#### **On Clause 166.**

By unanimous consent, the Committee resumed consideration of Clause 166 and the amendment of Bill Gilmour, - That Clause 166 be amended by striking out, in the English version, line 32 on page 117 and substituting the following therefore:

"(a) consult with the government responsi-"

After debate, by unanimous consent, the amendment and the clause were allowed to stand.

#### **On Schedule 1.**

By unanimous consent, the Committee resumed consideration of Schedule 1.

Paddy Torsney moved, - That Schedule 1 be amended by striking out on page 217 to 219 and substituting the following therefore:

#### **"SCHEDULE 1**

*(Sections 56, 68, 71, 77, 79, 90, 91, 93 to 96 and 199)*

#### **LIST OF TOXIC SUBSTANCES**

1. Chlorobiphenyls that have the molecular formula  $C_{12}H_{(10-n)}Cl_n$  in which "n" is greater than 2
2. Dodecachloropentacyclo [5.3.0.0<sup>2,6</sup>.0<sup>3,9</sup>.0<sup>4,8</sup>] decane
3. Polybrominated Biphenyls that have the molecular formula  $C_{12}H_{(10-n)}Br_n$  in which "n" is greater than 2
4. Chlorofluorocarbon: totally halogenated chlorofluorocarbons that have the molecular formula  $C_nCl_xF_{(2n+2-x)}$
5. Polychlorinated Terphenyls that have a molecular formula  $C_{18}H_{(14-n)}Cl_n$  in which "n" is greater than 2
6. Asbestos
7. Lead
8. Mercury



9. Vinyl Chloride

10. Bromochlorodifluoromethane that has the molecular formula  $\text{CF}_2\text{BrCl}$

11. Bromotrifluoromethane that has the molecular formula  $\text{CF}_3\text{Br}$

12. Dibromotetrafluoroethane that has the molecular formula  $\text{C}_2\text{F}_4\text{Br}_2$

13. Fuel containing toxic substances that are dangerous goods within the meaning of section 2 of the *Transportation of Dangerous Goods Act, 1992* and that

(a) are neither normal components of the fuel nor additives designed to improve the characteristics or the performance of the fuel; or

(b) are normal components of the fuel or additives designed to improve the characteristics or performance of the fuel, but are present in quantities or concentrations greater than those generally accepted by industry standards.

14. Dibenzo-para-dioxin that has the molecular formula  $\text{C}_{12}\text{H}_8\text{O}_2$

15. Dibenzofuran that has the molecular formula  $\text{C}_{12}\text{H}_8\text{O}$

16. Polychlorinated dibenzo-para-dioxins that have the molecular formula  $\text{C}_{12}\text{H}_{(8-n)}\text{O}_2\text{Cl}_n$  in which "n" is greater than 2

17. Polychlorinated dibenzofurans that have the molecular formula  $\text{C}_{12}\text{H}_{(8-n)}\text{OCl}_n$  in which "n" is greater than 2

18. Tetrachloromethane (carbon tetrachloride,  $\text{CCl}_4$ )

19. 1,1,1-trichloroethane (methyl chloroform,  $\text{CCl}_3\text{-CH}_3$ )

20. Bromofluorocarbons other than those set out in items 10 to 12

21. Hydrobromofluorocarbons that have the molecular formula  $\text{C}_n\text{H}_x\text{F}_y\text{Br}_{(2n+2-x-y)}$  in which  $0 < n \leq 3$

22. Methyl Bromide

23. Bis(chloromethyl) ether that has the molecular formula  $\text{C}_2\text{H}_4\text{Cl}_2\text{O}$

24. Chloromethyl methyl ether that has the molecular formula  $\text{C}_2\text{H}_5\text{ClO}$

25. Hydrochlorofluorocarbons that have the molecular formula  $\text{C}_n\text{H}_x\text{F}_y\text{Cl}_{(2n+2-x-y)}$  in which  $0 < n \leq 3$

26. Benzene that has the molecular formula  $\text{C}_6\text{H}_6$

After debate, the question was put on the amendment and it was agreed to.

At 4:52 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



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HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 114**

**Tuesday, March 23, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.





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## MINUTES OF PROCEEDINGS

Meeting No. 114

Tuesday, March 23, 1999

The Standing Committee on Environment and Sustainable Development met at 8:53 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:*, Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Paul Forseth, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Paddy Torsney.

*Acting Members present:* Karen Redman for Roger Gallaway; Larry McCormick for Roger Gallaway; Gar Knutson for Sarkis Assadourian; Beth Phinney for David Pratt

*In attendance: From the Committees and Legislative Services Directorate:* Marc Toupin. *From the Library of Parliament:* Monique Hébert, Researcher. *From Resources Futures International:* John Moffet, Consultant.

*Witness(es): From the Environment Canada:* Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, Representative, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development. (See *Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*).

At 8:57 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### On Clause 68

By unanimous consent, the Committee resumed consideration of Clause 68 and the motion of Karen Kraft Sloan - That Bill C-32, in Clause 68, be amended by striking lines 23 to 46 on page 39 and lines 1 to 18 on page 40 and substituting the following therefore:

"one of the Ministers shall

(a) collect or generate data and conduct investigations respecting any matter in relation to a substance including, without limiting the generality of the foregoing,

(i) the capacity of short-term exposure to the substance to cause significant effects,

(ii) the potential of the substance to undergo widespread involuntary

exposure to organisms in the environment,

(iii) whether the substance exhibits multiple pathways of exposure to organisms,

(iv) whether exposure to the substance is inevitable due to ongoing human activity,

(v) whether the substance causes a reduction in metabolic and defensive functions of an organism,

(vi) the probability of the substance causing delayed or latent effects over the lifetime of an organism,

(vii) whether the substance has the potential to cause the reproductive or survival impairment of an organism,

(viii) whether the presence of a substance has the potential to contribute to population failure of a species of organisms,

(ix) whether the substance could have transgenerational effects,

(x) the potential of the substance to cause disproportionate cascading effects in an organism,

(xi) whether the substance has the potential to cause false signals of viability in an organism,

(xii) quantities, uses and disposal of the substance,

(xiii) the manner in which the substance is released into the environment,

(xiv) the extent to which the substance can become dispersed and will persist in the environment, and,

(xv) the development and use of alternatives to the substance; and

(b) provide information and make recommendations respecting any matter in relation to a substance."

By unanimous consent, the amendment was withdrawn.

Karen Kraft Sloan moved, - That Bill C-32, in Clause 68, be amended by striking lines 28 to 46 on page 39 and lines 1 to 8 on page 40 and substituting the following therefore:

"(i) whether short-term exposure to the substance causes significant effects,

(ii) the potential of organisms in the environment to be widely exposed to the substance,

(iii) whether organisms are exposed to the substance via multiple pathways,

(iv) the ability of the substance to cause a reduction in metabolic functions of an organism,

- (v) the ability of the substance to cause delayed or latent effects over the lifetime of an organism,
- (vi) the ability of the substance to cause reproductive or survival impairment of an organism,
- (vii) whether exposure to the substance has the potential to contribute to population failure of a species,
- (viii) the ability of the substance to cause transgenerational effects,
- (ix) quantities, uses and disposal of the substance,
- (x) the manner in which the substance is released into the environment,
- (xi) the extent to which the substance can be dispersed and will persist in the environment,
- (xii) the development and use of alternatives to the substance,
- (xiii) methods of controlling the presence of the substance in the environment, and
- xiv) methods of reducing the quantity of the substance used or produced or the quantities or concentration of the substance released into the environment;"

After debate, the question was put on the amendment and it was agreed to.

By unanimous consent, Clause 68 was allowed to stand.

#### **On Clause 342**

By unanimous consent, the Committee resumed consideration of Clause 342.

Paddy Torsney moved, - That Bill C-32, in Clause 342 be amended by striking lines 6 to 10 on page 213 and substituting with the following therefore:

"342. (1) The Minister shall, as soon as possible after the end of each fiscal year, prepare and cause to be laid before Parliament a report on the administration and enforcement of this Act for that year.

(2) The Minister shall include in the annual report a report on the research conducted under the authority of this Act during the fiscal year being reported.

The question was put on the amendment and it was agreed to.

Clause 342, as amended, carried.

At 9:05 a.m., the Vice-Chair, Karen Kraft Sloan, took the Chair.

#### **On new Clause 329.1**

Charles Caccia moved, That Bill C-32 be amended by adding after line 42 on page 208 the following new clause:

"329.1 (1) Subject to subsection (2), no person shall deposit or permit the deposit of a deleterious



substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

(2) No person contravenes subsection (1) by depositing or permitting the deposit in any water or place of

(a) waste or pollutant of a type, in a quantity and under conditions authorized by regulations applicable to that water or place made by the Governor in Council under any other Act other than this Act; or

(b) a deleterious substance of a class, in a quantity or concentration and under conditions authorized by or pursuant to regulations applicable to that water or place or to any work or undertaking or class thereof, made by the Minister under subsection (3).

(3) The Minister may make regulations for the purpose of paragraph (2)(b) prescribing

(a) the deleterious substances or classes thereof authorized to be deposited notwithstanding subsection (1);

(b) the waters or places or classes thereof where any deleterious substances or classes thereof referred to in paragraph (a) are authorized to be deposited;

(c) the works or undertakings or classes thereof in the course or conduct of which any deleterious substances or classes thereof referred to in paragraph (a) are authorized to be deposited;

(d) the quantities or concentrations of any deleterious substances or classes thereof referred to in paragraph (a) that are authorized to be deposited;

(e) the conditions or circumstances under which and the requirements subject to which any deleterious substances or classes thereof referred to in paragraph (a) or any quantities or concentrations of those deleterious substances or classes thereof are authorized to be deposited in any waters or places or classes thereof referred to in paragraph (b) or in the course or conduct of any works or undertakings or classes thereof referred to in paragraph (c); and

(f) the persons who may authorize the deposit of any deleterious substances or classes thereof in the absence of any other authority, and the conditions or circumstances under which and requirements subject to which those persons may grant the authorization.

(4) A person authorized to deposit a deleterious substance by or under regulations made pursuant to subsection (3) shall, when directed in writing by the Minister, notwithstanding any regulations made pursuant to paragraph (3)(e) or any conditions set out in an authorization made pursuant to paragraph (3)(f), conduct such sampling, analyses, tests, measurements or monitoring, install or operate such equipment or comply with such procedures, and report such information, as may be required by the Minister in order to determine whether the person is depositing the deleterious substance in the manner authorized.

(5) The definitions in this subsection apply in this section.

"deleterious substance"

« *substance nocive* »

"deleterious substance" means

(a) any substance that, if added to any water, would degrade, alter or form part of a process of degradation or alteration of the quality of that water so that the water is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by humans of fish that frequent it, or

(b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade, alter or form part of a process of degradation or alteration of the quality of that other water so that the other water is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by humans of fish that frequent it

and, without restricting the generality of the foregoing, includes

(c) any substance or class of substances prescribed pursuant to paragraph (6)(a);

(d) any water that contains any substance or class of substances in a quantity or concentration that is equal to or in excess of a quantity or concentration that is prescribed in respect of that substance or class of substances pursuant to paragraph (6)(b); and

(e) any water that has been subjected to a treatment, process or change prescribed pursuant to paragraph (6)(c).

"deposit"

« *immersion* » ou « *rejet* »

"deposit" means any discharging, spraying, releasing, spilling, leaking, seeping, pouring, emitting, emptying, throwing, dumping or placing.

"fish"

« *pêche* »

« *poissons* »

"fish" includes

(a) parts of fish;

(b) shellfish, crustaceans, other marine animals and any parts of shellfish, crustaceans or marine animals; and

(c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and other marine animals.

"fish habitat"

« *habitat du poisson* »



"fish habitat" means spawning grounds and nursery, rearing, food supply, migration and any other areas on which fish depend directly or indirectly in order to carry out their life processes;

"waters frequented by fish"

« *eaux où vivent des poissons* »

"waters frequented by fish" means all Canadian fisheries waters.

Regulations for purpose of definition "deleterious substance"

(6) The Governor in Council may make regulations prescribing

(a) substances and classes of substances,

(b) quantities or concentrations of substances and classes of substances in water, and

(c) treatments, processes and changes of water

for the purpose of paragraphs (c) to (e) of the definition "deleterious substance" in subsection (5)."

After debate, the question was put on the amendment and it was negatived on the following recorded division:

YEAS: 3

Charles Caccia

Yvon Charbonneau

Joe Jordan

NAYS: 10

Gar Knutson

Aileen Carroll

Karen Redman

Beth Phinney

Paddy Torsney

Rick Casson

Bill Gilmour

Paul Forseth

Jocelyne Girard-Bujold

John Herron

At 10:14 a.m., Charles Caccia took the Chair.

### On Clause 116

By unanimous consent, the Committee resumed consideration of Clause 116.

John Herron moved, - That Bill C-32, in Clause 116, be amended by striking 11 to 13 on page 84 and substituting the following therefore:

"of substances that, if added to any waters in sufficient quantities, provides nourishment that promotes the growth of aquatic vegetation in those waters to such densities as to degrade or alter or form part of a process of degradation or alteration of the quality of those waters to an extent that is detrimental to their use by human beings or by any animal, fish or plant."

After debate, the question was put on the amendment and it was negatived.

### **On Clause 122**

By unanimous consent, the Committee resumed consideration of Clause 122.

Paddy Torsney moved, - That Bill C-32, in Clause 122, be amended by striking in the French version, line 17 on page 88 and substituting the following therefore:

"(i) les rejets, directs ou indirects, provenant de"

After debate by unanimous consent, the amendment was withdrawn.

Clause 122 was allowed to stand.

### **On Clause 166**

By unanimous consent, the Committee resumed consideration of Clause 166.

Paddy Torsney moved, - That Bill C-32, in Clause 166, be amended by

(a) striking, in the English version, line 32 on page 117 and substituting with the following:

"(a) consult with the government responsi-"

(b) striking, in the English version line 37 on page 117 and substituting with the following:

"(b) if the government referred to in paragraph"

After debate, the question was put on the amendment and it was agreed to.

By unanimous consent, Clause 166 was allowed to stand.

### **On Clause 332**

By unanimous consent, the Committee resumed consideration of Clause 332.

Joe Jordan moved, - That Bill C-32, in Clause 332, be amended by striking lines 5 and 6 on page 210 and substituting with the following therefore:

"except a list or an amendment to a list"

After debate, the question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Bill C-32, in Clause 332, be amended by deleting lines 24 to 28 on

page 210.

After debate, the question was put on the amendment and it was agreed to.

**Schedule II** carried

**On Schedule III**

Paddy Torsney moved, - That Bill C-32 be amended by striking out Schedule 3 on pages 221 and 222 and substituting the following therefore:

"SCHEDULE 3

*(Sections 100 to 103)*

EXPORT CONTROL LIST

PART 1

PROHIBITED SUBSTANCES

1. Mirex (Dodecachloropentacyclo [5.3.0.0<sup>2,6</sup>.0<sup>3,9</sup>.0<sup>4,8</sup>] decane)
2. Polybrominated Biphenyls that have the molecular formula  $C_{12}H_{10-n}Br_n$  in which "n" is greater than 2
3. Polychlorinated Terphenyls that have the molecular formula  $C_{18}H_{14-n}Cl_n$  in which "n" is greater than 2
4. Alachlor (2-chloro-2' , 6' -diethyl-N-methoxymethyl acetanilide)
5. Leptophos (O-(4-bromo-2,5-dichlorophenyl) O-methyl-phenylphosphonothioate)
6. Phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate)
7. Cyhexatin (tricyclohexyltin hydroxide)
8. 2,3,4,5-bis(2-butylene)tetrahydro-2-furfural
9. Bis(chloromethyl) ether that has the molecular formula  $C_2H_4Cl_2O$
10. Chloromethyl methyl ether that has the molecular formula  $C_2H_5ClO$

PART 2

SUBSTANCES SUBJECT TO NOTIFICATION OR CONSENT

Note: In this Part, "CAS" denotes Chemical Abstracts Service registry number.

1. 2,4,5,-T (CAS 93-76-5)
2. Aldrin (CAS 309-00-2)
3. Captafol (CAS 2425-06-1)
4. Chlordane (CAS 57-74-9)
5. Chlordimeform (CAS 6164-98-3)
6. Chlorobenzilate (CAS 510-15-6)
7. DDT (CAS 50-29-3)
8. Dieldrin (CAS 60-57-1)
9. Dinoseb and dinoseb salts (CAS 88-85-7)
10. 1,2-dibromoethane (EDB) (CAS 106-93-4)
11. Fluoroacetamide (CAS 640-19-7)
12. HCH (mixed isomers) (CAS 608-73-1)
13. Heptachlor (CAS 76-44-8)
14. Hexachlorobenzene (CAS 118-74-1)
15. Lindane (CAS 58-89-9)
16. Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds
17. Pentachlorophenol (CAS 87-86-5)
18. Monocrotophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient / L) (CAS 6923-22-4)
19. Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient / L) (CAS 10265-92-6)
20. Methyl- parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient) (CAS 298-00-0)
21. Parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) - of this substance are included, except capsule suspensions (CS)) (CAS 56-38-2)
22. Crocidolite (CAS 12001-28-4)
23. Polychlorinated biphenyls (PCB) (CAS 1336-36-3)



24. Tris (2,3-dibromopropyl) phosphate (CAS 126-72-7)

### PART 3

#### RESTRICTED SUBSTANCES

1. Chlorofluorocarbon: totally halogenated chlorofluorocarbons that have the molecular formula  $C_n Cl_x F_{(2n+2-x)}$
2. Allyl alcohol (2-propen-1-ol)
3. Carbon tetrachloride (tetrachloromethane)
4. DBCP (1,2-dibromo-3-chloropropane)
5. Ethylene dibromide (1,2-dibromoethane)
6. Ethylene dichloride (1,2-dichloroethane)
7. Endrin (1,2,3,4,10,10- hexachloro- 6,7- epoxy- 1,4,4a,5,6,7,8, 8a- octahydro- exo- 5,8- dimethanonaphthalene)
8. Lead arsenate that has the molecular formula  $PbHAsO_4$ , and its basic form that has the molecular formula  $Pb_4(PbOH)(AsO_4)_3$
9. Strychnine (2,4a,5,5a,7,8,15,15a,15b,15c,decahydro- 4, 6- methano- 6*H*,14*H*- indolo [3,2,1-*ii*] oxepino[2,3,4-*de*]pyrrolo[2,3-*h*]quinolin-14-one)
10. Bromochlorodifluoromethane that has the molecular formula  $CF_2BrCl$
11. Bromotrifluoromethane that has the molecular formula  $CF_3Br$
12. Dibromotetrafluoroethane that has the molecular formula  $C_2F_4Br_2$
13. Tetraethyl lead
14. Tetramethyl lead"

After debate, the question was put on the amendment and it was agreed to.

Schedule III, as amended, carried.



**Schedule IV** carried.

**Schedule V** carried.

**On Schedule VI**

Paddy Torsney moved, That That Bill C-32, in Schedule 6, be amended by

(a) striking out the first line of item 1 on page 225 and substituting the following therefore:

"1. This Schedule shall be applied with a view that acceptance"

(b) striking out the second line of item 2 on page 225 and substituting the following therefore:

"shall, as appropriate, include an evaluation of"

(c) striking out the fifth line of item 6 on page 226 and substituting the following therefore:

"availability of other means of disposal shall be considered"

(d) striking out the first line of item 15 on page 227 and substituting the following therefore:

"15. Each assessment shall conclude with a statement supporting a"

(e) striking out the first line of item 18 on page 228 and substituting the following therefore:

"18. Disposal sites shall be reviewed at regular intervals, taking into"

After debate, the amendment and Schedule VI, by unanimous consent, were allowed to stand.

**On Clause 65**

By unanimous consent, the Committee resumed consideration of Clause 65.

Paddy Torsney moved, - That Bill C-32, in clause 65 as amended, be amended in its French version by striking out paragraph (3) and substituting the following therefore:

(3) En vue de la quasi-élimination d'une substance, les ministres fixent par règlement la quantité ou la concentration dans lesquelles une substance peut être rejetée dans l'environnement, seule ou combinée à une autre substance provenant de quelque source ou type de source que ce soit et, pour ce faire, tiennent compte de tout facteur ou renseignement prévu par l'article 91, notamment les risques d'atteinte à l'environnement ou à la santé, ainsi que toute autre question d'ordre social, économique ou technique pertinente.»

After debate, the question was put on the amendment and it was agreed to.

Clause 65, as amended, carried.

**On Clause 73**

By unanimous consent, the Committee resumed consideration of Clause 73.

Paddy Torsney moved, - That Bill C-32, in Clause 73, be amended by striking out line 41 on page 42 and substituting the following therefore:

"herently harmful to human beings or to non-human organisms, as"

After debate, by unanimous consent, the amendment and the debate were allowed to stand.

At 12:28 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 115**

**Tuesday, March 23, 1999**

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**ORDER OF THE DAY:**

Consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel, Legal Services;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office.



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## MINUTES OF PROCEEDINGS

Meeting No. 115

Tuesday, March 23, 1999

The Standing Committee on Environment and Sustainable Development met at 3:35 p.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Roger Gallaway, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian; Carolyn Bennett for Roger Gallaway; Carmen Provenzano for David Pratt; Peter Stoffer for Rick Laliberté.

*In attendance: From the Committees and Legislative Services Directorate:* Marc Toupin; *From the Library of Parliament:* Monique Hébert, Research Officer; *From Resources Futures International:* John Moffet, Consultant.

*Witnesses: From Environment Canada:* Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, Representative, CEPA Office.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*)

At 3:36 p.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnesses answered questions.

### On Clause 73

By unanimous consent, the Committee reverted to Clause 73 and the motion of Paddy Torsney, - That Bill C-32, in Clause 73, be amended by striking out line 41 on page 42 and substituting the following therefore:

"herently harmful to human beings or to non-human organisms, as"

By unanimous consent, the amendment was withdrawn.

Clause 73, as amended, carried.

### On Clause 64

By unanimous consent, the Committee reverted to Clause 64.

Paddy Torsney moved, - That Clause 64 of Bill C-32, as amended, be further amended by adding the following after the words "For the purposes of this Part and Part 6,":



except where the expression "inherently toxic appears,"

The question was put on the amendment and it was agreed to.

Clause 64, as amended, carried.

#### **On Clause 330**

By unanimous consent, the Committee resumed consideration of Clause 330 and the amendment of Joe Jordon, That Bill C-32, in Clause 330, be amended by deleting lines 17 to 24 on page 209.

By unanimous consent, the amendment was withdrawn.

Paddy Torsney moved, - That Bill C-32, in Clause 330, be amended by striking out lines 17 to 24 on page 209 and substituting the following therefore:

"(3) Except as provided in subsection (3.1), a regulation under this Act applies throughout Canada.

(3.1) A regulation made under section 93, 140, 167 or 177 may be made applicable in only a part or parts of Canada in order to protect the environment or its biological diversity or human health."

The question was put on the amendment and it was agreed to.

Clause 330, as amended, carried.

#### **On Clause 77**

By unanimous consent, the Committee reverted to Clause 77.

Paddy Torsney moved, - That Bill C-32, in Clause 77, be amended by striking out line 19 on page 46 and substituting the following therefore:

"radionuclide or a naturally occurring inorganic substance,"

The question was put on the amendment and it was agreed to.

Clause 77, as amended, carried.

#### **On Clause 68**

By unanimous consent, the Committee reverted to Clause 68.

Peter Stoffer moved, - That Bill C-32, in Clause 68, be amended by striking out line 10 on page 10 and substituting the following therefore:

"lected or generated under paragraph (a) using a weight-of-evidence approach and"

After debate, the question was put on the amendment and it was negatived.

Clause 68, as amended, carried.

**On Clause 166**

By unanimous consent, the Committee resumed consideration of Clause 166.

Peter Stoffer moved, - That Bill C-32, in Clause 166, be amended by striking out line 14 on page 118 and substituting the following therefore:

"Minister may take into account comments"

After debate, the question was put on the amendment and it was negatived.

Clause 166, as amended, carried.

**On Clause 200**

By unanimous consent, the Committee resumed consideration of Clause 200 and the amendment of Karen Kraft Sloan, - That Bill C-32, in Clause 200, be amended by striking out lines 3 to 7 on page 139 and substituting the following therefore:

"(2) The Governor in Council shall not make a regulation under subsection (1) if the matter is regulated by or under any other Act of Parliament and the Governor in Council is satisfied that the regulation by or under any other Act of Parliament provides for a level of protection to human health or the environment that is at least equal to the level of protection that would be provided under this Act."

By unanimous consent, the amendment was withdrawn.

Karen Kraft Sloan moved, - That Bill C-32, in Clause 200, be amended by striking out lines 5 to 7 on page 139 and substituting the following therefore:

"a matter if, by order, the Governor in Council states that it is of the opinion that

- a. the matter is regulated by or under any other Act of Parliament that contains provisions that are similar in effect to sections 194 to 205; and
- b. (b) that Act or any regulation made under that Act provides sufficient protection to human health and the environment or its biological diversity."

The question was put on the amendment and it was agreed to.

Clause 200, as amended, carried.

**On Schedule VI**

By unanimous consent, the Committee resumed consideration of Schedule VI and the amendment of Paddy Torsney, - That Bill C-32, in Schedule 6, be amended by

(a) striking out the first line of item 1 on page 225 and substituting the following therefore:

"1. This Schedule shall be applied with a view that acceptance"

(b) striking out the second line of item 2 on page 225 and substituting the following therefore:

"shall, as appropriate, include an evaluation of"

(c) striking out the fifth line of item 6 on page 226 and substituting the following therefore:

"availability of other means of disposal shall be considered"

(d) striking out the first line of item 15 on page 227 and substituting the following therefore:

"15. Each assessment shall conclude with a statement supporting a"

(e) striking out the first line of item 18 on page 228 and substituting the following therefore:

"18. Disposal sites shall be reviewed at regular intervals, taking into"

After debate, the question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Bill C-32, in Schedule 6, be amended by striking out, in the French version, on the fifth line of section 3, on page 225 the words "le ministre" and substituting the following therefore:

"les organismes locaux et nationaux concernés."

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That Bill C-32, in Schedule 6, be amended by striking out, in the French version, on the seventh line of section 4 on page 225 the words "compétents" and substituting the following therefore:

"locaux et nationaux."

The question was put on the amendment and it was agreed to.

By unanimous consent, Schedule VI, as amended, was allowed to stand.

### **On Clause 1**

By unanimous consent, the Committee resumed consideration of Clause 1 which had been stood.

Paddy Torsney moved, - That Bill C-32, in Clause 1 be amended by striking out line 2 on page 3 and substituting the following therefore:

"the environment (1999)."

The question was put on the amendment and it was agreed to.

Clause 1, as amended, carried.

### **On Clause 176**

By unanimous consent, the Committee reverted to Clause 176.

Paddy Torsney moved, - That Bill C-32, in Clause 176, be amended by

- a. striking out , in the English version, line 30 on page 124 and substituting the following therefore:

"(a) consult with the government responsi-"

- b. striking out, in the English version, line 35 on page 124 and substituting the following therefore:

"(b) if the government referred to in paragraph"

- c. striking out, in the English version, line 39 on page 124 and substituting the following therefore:

"is a federal source, or if the government referred"

The question was put on the amendment and it was agreed to.

Clause 176, as amended, carried.

### **On the Preamble**

By unanimous consent, the Committee resumed consideration of the Preamble which had been stood.

Karen Kraft Sloan moved, - That the Preamble be amended by striking out line 19 on page 1 and substituting the following therefore:

"knowledges the need to phase out the generation and use of the most persistent and biocumulative toxic substances and the need to control and manage"

Debate arose thereon.

Paddy Torsney moved, - That the amendment be amended by striking out the words: "phase out the generation and use of" and substituting the following therefore;

"virtually eliminate"

The question was put on the amendment to the amendment and it was negatived.

The question was put on the amendment and it was agreed to.

Karen Kraft Sloan moved, - That Bill C-32, in the preamble, be amended by striking out line 27 on page 1 and substituting the following therefore:

"establishing environmentl standards, ecosystem objectives and envi-"

The question was put on the amendment and it was agreed to.

Paddy Torsney moved, - That the meeting be adjourned.



The question was put on the motion and it was negatived.

At 5:43 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 116**

**Thursday, March 25, 1999**

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**ORDER OF THE DAY:**

Study of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development

**WITNESSES:**

*Environment Canada:*

Duncan Cameron, Legal Counsel;

Harvey Lerer, Director General, Canadian Environmental Protection Act Office;

Karen Lloyd, Manager, Canadian Environmental Protection Act Office;

Steve Mongrain, Representative, Canadian Environmental Protection Act Office;

James M. Osborne, Head, Ocean Disposal and Shellfish, Marine Environment.



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## MINUTES OF PROCEEDINGS

Meeting No. 116

Thursday, March 25, 1999

The Standing Committee on Environment and Sustainable Development met at 8:28 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Member of the Committee present:* Gérard Asselin, Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Gar Knutson for Sarkis Assadourian; Denis Coderre for Yvon Charbonneau; Marlene Catterall for Roger Gallaway; Murray Calder for Roger Gallaway; Andy Scott for Roger Gallaway; Bernard Bigras for Jocelyne Girard-Bujold; Clifford Lincoln for Karen Kraft Sloan; Lynn Myers for David Pratt; Ivan Grose for David Pratt; Brent St-Denis for David Pratt.

*In attendance: From the Committees and Legislatives Services Directorate:* Marc Toupin. *From the Library of Parliament:* Monique Hébert and Christine Labelle, Research Officers. *From Resources Futures International:* John Moffet, Consultant.

*Witnesses: From Environment Canada:* Harvey Lerer, Director General, Canadian Environmental Protection Act Office; Karen Lloyd, Manager, CEPA Office; Duncan Cameron, Legal Counsel, Legal Services, CEPA Office; Steve Mongrain, Representative, CEPA Office; Nadine Levin, Senior Policy Adviser, CEPA Office; James Osborne, Head, Ocean Disposal and Shellfish, Marine Environment Division.

The Committee resumed consideration of Bill C-32, An Act respecting pollution prevention and the protection of the environment and human health in order to contribute to sustainable development (*See Minutes of Proceedings dated Wednesday, May 14, 1998, Meeting No. 53*)

At 8:30 a.m., the Committee resumed Clause-by-Clause consideration of the Bill.

The witnessses answered questions.

### On the Preamble

The Committee resumed consideration of the Preamble.

Paddy Torsney moved, That Bill C-32, in the preamble, be amended by striking out, in the French version, lines 31 to 37 on page 1 and substituting the following therefore:

"prudence, si bien qu'en cas de risques de dommages graves ou irréversibles, l'absence de certitude scientifique absolue ne doit pas servir de prétexte pour remettre à plus tard l'adoption de mesures effectives visant à prévenir la dégradation de l'environnement;"

After debate, the question was put on the amendment and it was agreed to.

Bernard Bigras moved, - That Bill C-32, in the preamble, be amended by striking out line 33 on page 1 and substituting the following therefore:

"ous or irreversible damage, lack of scien-"

After debate, the question was put on the amendment, and it was negatived.

Aileen Carroll moved, - That Bill C-32, in the preamble, be amended by striking out, in the English version, line 35 on page 1 and substituting the following therefore:

"postponing effective measures to prevent"

After debate, the question was put on the amendment, and it was negatived.

John Herron moved, That Bill C-32, in the preamble, be amended by striking out line 35 on page 1 and substituting the following therefore:

"postponing measures to prevent"

After debate, the question was put on the amendment and it was negatived on the following recorded division:

YEAS: 5

Joe Jordan	Clifford Lincoln	Bernard Bigras
Rick Laliberté	John Herron	

NAYS: 8

Gar Knutson	Aileen Carroll	Denis Coderre
Andy Scott	Brent St-Denis	Paddy Torsney
Rick Casson	Bill Gilmour	

Bernard Bigras moved, - That Bill C-32, in the preamble, be amended by striking out line 21 on page 2 and substituting the following therefore:

"nizes the integral role of science, as well as the role of traditional aboriginal knowledge in the process"

After debate, the question was put on the amendment and it was agreed to.

Rick Laliberté moved, - That Bill C-32, in the preamble, be amended by striking out lines 23 to 26 on

page 2 and substituting the following therefore:

"of the environment and human health;"

After debate, the question was put on the amendment, and it was negatived.

Rick Laliberté moved, Bill C-32, in the preamble, be amended by striking out lines 39 to 42 on page 2 and substituting the following therefore:

"Whereas the Government of Canada will endeavour to remove threats to biological diversity through pollution prevention, the control and management of any adverse effects of the use and release of toxic substances and products of biotechnology, pollutants and other wastes, and the phase out of persistent toxic substances;"

Paddy Torsney moved, That the amendment be further amended by striking out "phase out of persistent" and substituting the following therefore:

"virtual elimination of persistent and bioaccumulative"

After debate, the question was put on the sub-amendment, and it was agreed to.

The question was put on the amendment as amended, and it was agreed to.

Jocelyne Girard-Bujold moved, - That Bill C-32, in the preamble, be amended by striking out line 45 on page 2 and substituting the following therefore:

"ions in respect of the environment, in particular, by the dissemination of information and the participation of the public, after having first negotiated and agreed on those obligations with the governments concerned."

After debate, the question was put on the amendment, and it was negatived.

Preamble, as amended, carried.

### **On Clause 3**

By unanimous consent, the Committee resumed consideration of Clause 3.

By unanimous consent, Paddy Torsney moved, - That the motion of Paddy Torsney, - "That Bill C-32, in Clause 3, be amended by

(a) striking out line 19 on page 9 and substituting the following therefore:

"reaction,"

(b) striking out lines 25 to 31 on page 9 and substituting the following therefore:

"ents, and

(e) any mixture that is a combination of substances and does not itself produce a substance that is different from the substances that were combined, and, except for the purposes of sections 66, 80 to 89 and 104 to 115, includes"



agreed to on November 17, 1998 be rescinded.

After debate, the Clause and the motion were allowed to stand.

The Declaration carried, on division.

The Title carried, on division.

### **On Schedule 6**

By unanimous consent, the Committee reverted to Schedule 6 which had been stood.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended,

- a. by striking out, in the English version, lines 3 and 4, section 3 on page 225 and substituting the following therefore:

"applicant shall formulate and implement a waste prevention strategy where it has jurisdiction to do so, (in collaboration with relevant local and"

- b. by striking out line 8, section 3 on page 225 and substituting the following therefore:

"renewal shall be subject to compliance with this"

The question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 1 of section 4 on page 225 and substituting the following therefore:

"4. For dredged material, the goal of waste management shall"

The question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out, in the French version, line 8 of section 7 on page 226 with the following:

"l'autre matière en cause ne doit pas être immergé."

The question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out, in the French version, line 1 of section 8 on page 226 with the following:

"8. Il faut caractériser les déchets ou autres matières et"

The question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 2 of section 10 on page 226 and substituting the following therefore:

"a lower level. The upper level shall be set so as to avoid as much as reasonably possible, acute or"

After debate, the question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 1 of section 12 on page 227 and substituting the following therefore:

"12. Assessment of potential effects shall lead to a concise statement"

The question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 1 of section 13 on page 227 and substituting the following therefore:

"13. The assessment for disposal shall, as appropriate, integrate information on waste"

The question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 5 of section 13 on page 227 and substituting the following therefore:

"uses of the sea. It shall, where it is reasonably appropriate to do so, define the nature, temporal and spatial"

After debate, the question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 1 of section 14 on page 227 and substituting the following therefore:

"14. An analysis of each disposal option shall be considered in light"

After debate, the question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out line 6 of section 14 on page 227 and substituting the following therefore:

"effects of the proposed disposal option, then this option shall not"

After debate, the question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out, in the French version, line 9 of section 14 on page 228 and substituting the following therefore:

"d'immersion ne doit être accordé."

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out lines 1 and 2 of section 17 on page 228 and substituting the following therefore:

"17. A decision to issue a permit shall only be made if all impact evaluations are completed where reasonably possible and the"

After debate, the question was put on the amendment and it was agreed to.

Clifford Lincoln moved, - That Bill C-32, in Schedule 6, be amended by striking out, in the French version, line 5 of section 17 on page 228 and substituting the following therefore:

"les dispositions du permis sont de nature à réduire au"

The question was put on the amendment and it was agreed to.

### **On Clause 3**

By unanimous consent, the Committee resumed consideration of Clause 3 and the motion of Paddy Torsney, "That Bill C-32, in Clause 3, be amended by (a) striking out line 19 on page 9 and substituting the following therefore:

"reaction,"

(b) striking out lines 25 to 31 on page 9 and substituting the following therefore:

"ents, and

(e) any mixture that is a combination of substances and does not itself produce a substance that is different from the substances that were combined,

and, except for the purposes of sections 66, 80 to 89 and 104 to 115, includes"

agreed to on November 17, 1998 be rescinded."

After debate, the question was put on the motion and it was agreed to.

The question was put on the Bill, as amended, and it was carried on the following recorded division:

#### **YEAS: 7**

Gar Knutson	Aileen Carroll	Yvon Charbonneau
Ivan Grose	Joe Jordan	Murray Calder
Paddy Torsney		

#### **NAYS: 3**

Bill Gilmour	Jocelyne Girard-Bujold	Rick Laliberté
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Ordered, - That the Chair report Bill C-32, with amendments, to the House.

Ordered, - that the Bill, as amended, be reprinted for the use of the House at Report stage.

It was agreed, - That the Committee hold a luncheon today for Members and staff who worked on Bill C-32.

At 11:57 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee





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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 117**

**Wednesday, April 21, 1999**

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**IN CAMERA**



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## MINUTES OF PROCEEDINGS

Meeting No. 117

Wednesday, April 21, 1999

The Standing Committee on Environment and Sustainable Development met *in camera* at 3:44 p.m. this day, in Room 208, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, David Pratt, Paddy Torsney.

*Associate Member present:* Clifford Lincoln.

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

The Committee discussed its future business.

It was agreed, - That the Committee request the authorisation of the House for Monique Hébert, Research Officer, to travel to Toronto from June 21 to 23, 1999, for the purpose of attending A Tactical Briefing on the New Canadian Environmental Protection Act and that a budget for this activity be adopted.

It was agreed, - That on the day of tabling of the Annual Report of the Commissioner of the Environment and Sustainable Development in May, the Committee organise a pre-tabling *in camera* review for Members, staff and the press to be followed by a televised hearing with the Commissioner as witness.

It was agreed, - That the Committee hold hearings on Chapter 28 of the December, 1998, Auditor General's Report specifically the aspects dealing with follow-up to Chapter 2 of the 1996 Report (Implementation of Federal Environmental Stewardship) and Chapter 22 of the 1996 Report (Federal Contaminated Sites-Management Information on Environmental Costs and Liabilities).

It was agreed, - That the Committee, host jointly with the Standing Committee on Health and the Standing Committee on Canadian Heritage, a working lunch on May 11 for the participants in Eco-Summit 99.

It was agreed, - That the Committee hold one hearing on the Environmental Nuisances on Lake St-Pierre as a result of National Defence Activities.

At 5:12 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk(s) of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 118**

**Tuesday, April 27, 1999**

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**IN CAMERA**





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## MINUTES OF PROCEEDINGS

Meeting No. 118

Tuesday, April 27, 1999

The Standing Committee on Environment and Sustainable Development met *in camera* at 9:27 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for Aileen Caroll.

*In attendance: From the Library of Parliament:* Monique Hébert and Christine Labelle, Researchers.

The Committee discussed its future business.

It was agreed - That the Committee carry out a study and prepare a report to the House on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Review Agency in preventing pollution and in protecting the environment and human health.

It was agreed:

- That the Standing Committee on Environment and Sustainable Development proceed to establish a joint sub-committee with the Standing Committee on Fisheries and Oceans to examine issues relating to the environmental management of the aquaculture industry in the autumn;
- That the sub-committee be composed an equal number of Members or associate Members from the Standing Committee on Environment and Sustainable Development and the Standing Committee on Fisheries and Oceans and that a co-chair from each committee be elected;
- That the study examine in particular the regulation and use of pesticides and veterinary drugs, the generation and release of wastes and the effects of nutrients on the ocean environment as a result of aquaculture.

It was agreed - That the Committee, after having heard the Minister of Environment and the Auditor General or his officials, request the authorisation of the House for up to 10 Members of the Committee to travel to Sydney, Nova Scotia for two days prior to the end of June, 1999, for the purpose of inspecting the tar ponds and other contaminated sites and meeting community groups and other stake holders involved in the issue and that the necessary staff do accompany the Committee.

It was agreed, - That the Committee holds a hearing on Chapter 28 of the December 1998, Auditor General's Report specifically the follow up to Chapter 24 of the 1992 Report (Emergency Preparedness in the Federal Government - Nuclear Emergencies)

At 11:03 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee

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HOUSE OF COMMONS OF CANADA  
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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 119**

**Wednesday, May 5, 1999**

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**ORDER OF THE DAY:**

Main Estimates for the Fiscal year ending March 31, 2000

**APPEARING:**

Hon. Christine Stewart, Minister of the Environment

**WITNESSES:**

*Canadian Environmental Assessment Agency:*

Sid Gershberg, President.

*Environment Canada:*

Len Good, Deputy Minister;

Rodney Monette, Assistant Deputy Minister, Corporate Services.





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## MINUTES OF PROCEEDINGS

Meeting No. 119

Wednesday, May 5, 1999

The Standing Committee on Environment and Sustainable Development met at 3:36 p.m. this day, in Room 371, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, , Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Member present:* Clifford Lincoln for Roger Gallaway

*In attendance:* From the Library of Parliament: Monique Hébert, Researcher; Christine Labelle, Researcher.

*Appearing:* The Honourable Christine Stewart, Minister of Environment.

*Witnesses:* From Environment Canada: Len Good, Deputy Minister; Rodney Monette, Assistant Deputy Minister, Corporate Services. From the Canadian Environmental Assessment Agency: Sid Gershberg, President.

The Committee commenced consideration of its Order of Reference from the House of Commons dated Monday, March 1, 1999, relating to the Main Estimates for the Fiscal year ending March 31, 2000 (See Minutes of Proceedings, Tuesday, March 2, 1999 (Meeting No. 104)).

The Chair called Votes 1, 5, 10 and 15.

The Minister made an opening statement and, with the witnesses, answered questions.

At 5:37 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee



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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 120**

**Thursday, May 6, 1999**

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**ORDER OF THE DAY:**

Study of the Environmental Effects of the Department of National Defence Activities on Lake St. Pierre, Quebec

**WITNESSES:**

*Department of National Defence:*

Tony Downs, Director General, Environment;

Gordon G. Hunter, Director General, Equipment Program Services;

André Lagacé, Director, Ammunition Programs Management.

*Environment Canada:*

Marie-France Bérard, Regional Director, (Quebec Region), Environment Protection Branch;

Vincent Jarry, Chief, Intervention and Restoration Section, Environment Protection Branch.

*"Groupe d'actions des riverains":*

André Brouillard, Communications Officer;

Philippe Giroul, Secretary;

François Guibert, Environmental Consultant.



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## MINUTES OF PROCEEDINGS

Meeting No. 120

Thursday, May 6, 1999

The Standing Committee on Environment and Sustainable Development met at 9:07 a.m. this day, in Room 209, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for Sarkis Assadourian, Yves Rocheleau for Jean-Guy Chrétien

*In attendance:* From the Library of Parliament: Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses:* From the "*Groupe d'Action des Riverains*": André Brouillard, Communications Officer; Philippe Giroul, Secretary; François Guibert, Environmental Advisor; Desneiges Perrault, Member, "Priority Intervention Zone". From the Department of National Defence: Gordon G. Hunter, Director General, Equipment Program Service; André Lagacé, Director, Ammunition Programs Management; Tony Downs, Director General, Environment. From Environment Canada: Marie-France Bérard, Regional Director (Quebec Region), Environment Protection Branch; Vincent Jarry, Chief, Intervention and Restoration Section, Environment Protection Branch.

The Committee commenced a study of the Environmental Effects of Department of National Defence Activities on Lake St. Pierre, Quebec.

The witnesses made statements and answered questions.

At 11:28 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles

Clerk of the Committee





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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 121**

**Tuesday, May 11, 1999**

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**ORDER OF THE DAY:**

Consideration of Chapter 28 of the December 1998 Report and Chapter 22 of the November 1996 Report of the Auditor General of Canada (Federal Contaminated Sites - Management Information on Environmental Coasts and Liabilities)

**WITNESSES:**

*Department of Indian Affairs and Northern Development:*

Hiram Beaubier, Director General, Natural Resources and Environment Branch.

*Department of National Defence:*

Ginger Stones, Director, Environmental Protection.

*Environment Canada:*

François Guimont, Assistant Deputy Minister, Environmental Protection Service;

Gordon Owen, Chief, Contaminated Sites Division.

*Office of the Auditor General of Canada:*

Brian Emmett, Commissioner of the Environment and Sustainable Development.

*Transport Canada:*

John Forster, Director General, Environmental Affairs.

*Treasury Board Secretariat:*

Alan Winberg, Assistant Secretary, Risk, Procurement and Asset Management Policy Sector.

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## MINUTES OF PROCEEDINGS

Meeting No. 121

Tuesday, May 11, 1999

The Standing Committee on Environment and Sustainable Development met at 3:37 p.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Jocelyne Girard-Bujold, Joe Jordan, Rick Laliberté.

*Acting Members present:* Robert Bertrand for Sarkis Assadourian, Clifford Lincoln for Paddy Torsney, Yves Rocheleau for Jean-Guy Chrétien.

*Other Member present:* Denis Coderre.

*In attendance: From the Library of Parliament:* Christine Labelle, Researcher.

*Witnesses:* From the Office of the Auditor General of Canada: Brian Emmett, Commissioner, Environment and Sustainable Development; Wayne Cluskey, Principal, Audit Operations; Dan Rubenstein, Principal, Audit Operations. From the Treasury Board of Canada - Secretariat: Alan Winberg, Assistant Secretary, Risk, Procurement and Asset Management Policy Sector; Deborah Olver, Director, Real Property Management Division. From Environment Canada: François Guimont, Assistant Deputy Minister, Environmental Protection Service; Jean Bilodeau, Director General, Administration Directorate & Environmental Operations for Governments; Gordon Owen, Chief, Contaminated Sites Division. From Transport Canada: John Forster, Director General, Environmental Affairs. From the Department of Indian Affairs and Northern Development: Hiram Beaubier, Director General, Natural Resources and Environment Branch; Rick Hurst, Chief, Resource Planning and Conservation Division. From the Department of National Defence: Ginger Stones, Director, Environmental Protection; Tony Downs, Director General, Environment; Maj François Lauzon, Environmental Engineer.

Yvon Charbonneau moved:

- That the Committee demand an immediate moratorium on the firing trials at the Nicolet Proof and Experimental Test Establishment on Lake St. Pierre;

- That the aforementioned moratorium remain in effect until such time as the results of the impact study by Environment Canada and the Department of National Defence are made available to the public;

- That the impact study to be carried out by Environment Canada and the Department of National Defence be expanded to include a study on the human and social impacts, as well as on biodiversity;

- That the time allotted for the study be reconsidered and shortened if possible;

- That the Chair forwards this motion to the Minister of National Defence and the Minister of Environment

Debate arose thereon.

Clifford Lincoln moved that the motion be amended by striking out the words "an immediate" and substituting therefore the word "a" and by adding after the word "moratorium" the following: " by January 1, 2000,".

Debate arose thereon.

The question was put on the amendment and it was agreed to on division.

The question was put on the motion as amended and it was agreed to on division.

Pursuant to Standing Order 108(2), the Committee commenced consideration of Chapter 28 of the December 1998 Report and Chapter 22 of the November 1996 Report of the Auditor General of Canada (Federal Contaminated Sites - Management Information on Environmental Costs and Liabilities)

Brian Emmett, François Guimont and Alan Winberg made statements and with John Forster, Ginger Stones, Gordon Owen and Hiram Beaubier answered questions.

At 5:46 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee



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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 122**

**Thursday, May 13, 1999**

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**ORDER OF THE DAY:**

Consideration of implementation of the Federal Environment Stewardship

**WITNESSES:**

*Department of Foreign Affairs and International Trade:*

Jaye Shuttleworth, Director, Environment Services.

*Environment Canada:*

Norine Smith, Assistant Deputy Minister, Policy and Communications.

*National Research Council Canada:*

Shawn D. Gill, Environmental Coordinator, Administrative Services and Property  
Management.

*Natural Resources Canada:*

Richard Arseneault, Director, Office of Environment Affairs, Real Property, Environment  
and Security Branch.

*Office of the Auditor General of Canada:*

Brian Emmett, Commissioner of the Environment and Sustainable Development.

*Statistics Canada:*

Yvon Goulet, Assistant Chief Statistician, Communications and Operations.

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## MINUTES OF PROCEEDINGS

Meeting No. 122

Thursday, May 13, 1999

The Standing Committee on Environment and Sustainable Development met at 9:12 a.m. this day, in Room 308, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*In attendance:* From the Library of Parliament: Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses:* From the Office of the Auditor General of Canada: Brian Emmett, Commissioner, Environment and Sustainable Development; Wayne Cluskey, Principal, Audit Operations. From Natural Resources Canada: Richard Arseneault, Director, Office of the Environmental Affairs, Real Property, Environment and Security Branch. From Environment Canada: Norine Smith, Assistant Deputy Minister, Policy and Communications; Craig Ferguson, Director, Strategic Development Policy Coordination Branch; Jean Bilodeau, Director General, Administration; Mary Komarynsky, Director General, National Programs. From Foreign Affairs and International Trade: Jaye Shuttleworth, Director, Environmental Services; Thomas Gillmore, Deputy Director, Environmental Services. From Statistics Canada: Yvon Goulet, Assistant Chief Statistician, Communications and Operations; Jean-François Gosselin, Director General, Operations and Administrative Support. From the National Research Council Canada: Dr. Shawn D. Gill, Environmental Coordinator, Administrative Services and Property Management; Marc Perreault, Communication Co-Ordinator, Public and International Relations, Corporate Services.

Pursuant to Standing Order 108(2), the Committee commenced consideration of implementation of the Federal Environment Stewardship. (Chapter 2 of the 1996 Report of the Auditor General, as indicated in Chapter 28 of the December, 1998, Report of the Auditor General).

Brian Emmett, Norine Smith, Richard Arseneault, Jaye Shuttleworth, Yvon Goulet and Shawn Gill made statements and answered questions.

At 10:32 a.m., the sitting was suspended

At 11:43 a.m., the sitting resumed

At 11:48 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee

HOUSE OF COMMONS OF CANADA  
36th PARLIAMENT, 1st SESSION

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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 123**

**Tuesday, May 25, 1999**

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**ORDER OF THE DAY:**

Consideration of the 1999 Annual Report of the Commissioner of the Environment and Sustainable Development

**WITNESS:**

*Office of the Auditor General of Canada:*

Brian Emmett, Commissioner of the Environment and Sustainable Development.





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## MINUTES OF PROCEEDINGS

Meeting No. 123

Tuesday, May 25, 1999

The Standing Committee on Environment and Sustainable Development met in a televised session at 11:18 a.m. this day, in Room 253-D, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for David Pratt.

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses: From the Office of the Auditor General of Canada:* Brian Emmett, Commissioner, Environment and Sustainable Development; Wayne Cluskey, Principal, Audit Operations; Richard Smith, Principal.

Pursuant to Standing Order 108(2) the Committee commenced consideration of the 1999 Annual Report of the Commissioner of the Environment and Sustainable Development.

Brian Emmett made a statement and answered questions.

At 12:58 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee



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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 124**

**Wednesday, May 26, 1999**

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**ORDER OF THE DAY:**

Consideration of Chapter 28 of the December 1998 Report and Chapter 24 of the 1992 Report of the Auditor General of Canada (Nuclear Emergencies)

**WITNESSES:**

*Atomic Energy Control Board Secretariat:*

Jim Blyth, Head, Issue Management Section, Power Reactor Evaluation Division,  
Directorate of Reactor Regulation;

Pierre Marchildon, Director General.

*Department of National Defence:*

Ann Marie Sahagian, Executive Director, Emergency Preparedness Canada.

*Health Canada:*

Jean-Patrice Auclair, Section Head, Nuclear Emergency Preparedness;

Jack Cornett, Director, Radiation Protection Bureau;

Rod Raphael, Acting Director General, Environmental Health Directorate, Health  
Protection Branch;

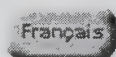
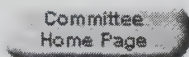
*Office of the Auditor General of Canada:*

Brian Emmett, Commissioner of the Environment and Sustainable Development.

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## MINUTES OF PROCEEDINGS

Meeting No. 124

Wednesday, May 26, 1999

The Standing Committee on Environment and Sustainable Development met at 3:45 p.m. this day, in Room 371, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses:* From the Office of the Auditor General of Canada: Brian Emmett, Commissioner, Environment and Sustainable Development; Alan Gilmore, Principal, Audit Operations. From Health Canada: Rod Raphael, Acting Director General, Environmental Health Directorate, Health Protection Branch; Jack Cornett, Director, Radiation Protection Bureau; Jean-Patrice Auclair, Section Head, Nuclear Emergency Preparedness. From the Atomic Energy Control Board: Pierre Marchildon, Director General, Atomic Energy Control Board Secretariat; Barclay D. Howden, Senior Advisor, Research Facility Licensing, Research and Production Facility Licensing; J.W. Blyth, Head-Issue Management Section, Power Reactor Evaluation Division, Directorate of Reactor Regulation. From the Department of National Defence: Ann Marie Sahagian, Executive Director, Emergency Preparedness Canada.

Pursuant to Standing Order 108(2), the Committee commenced consideration of Chapter 28 of the December 1998 Report and Chapter 24 of the 1992 Report of the Auditor General of Canada (Nuclear Emergencies)

Brian Emmett, Rod Raphael, Ann Marie Sahagian and Pierre Marchildon made statements and with Jean-Patrice Auclair, Jack Cornett and J.W. Blyth answered questions.

At 5:45 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee



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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 125**

**Thursday, May 27, 1999**

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**ORDER OF THE DAY:**

Study of the Main Estimates 1999-2000: Vote 15 under Environment

**WITNESSES:**

*Canadian Environmental Assessment Agency:*

Robert G. Connelly, Vice-President, Policy Development;

Sid Gershberg, President.



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## MINUTES OF PROCEEDINGS

Meeting No. 125

Thursday, May 27, 1999

The Standing Committee on Environment and Sustainable Development met at 8:47 a.m. this day, in Room 371, West Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for Sarkis Assadourian

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses: From the Canadian Environmental Assessment Agency:* Sid Gershberg, President; Robert G. Connelly, Vice-President, Policy Development; Paul Bernier, Vice-President, Program Delivery.

The Committee resumed consideration of its Order of Reference from the House of Commons dated Monday, March 1, 1999, dealing with the Main Estimates 1999-2000, under Environment (see Minutes of Proceedings, Tuesday, March 2, 1999(Meeting No. 104)).

The Chair called Vote 15.

Sid Gershberg made an opening statement and with Robert G. Connelly answered questions.

At 09:57 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee





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**MINUTES OF PROCEEDINGS**

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on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 126**

**Tuesday, June 1, 1999**

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**ORDER OF THE DAY:**

Study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health

**WITNESSES:**

*Department of Health:*

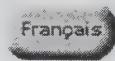
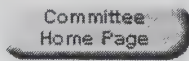
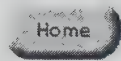
Roderick A. Raphael, Acting Director General, Environment Health Directorate, Health Protection Branch.

*Pest Management Regulatory Agency:*

Claire Franklin, Executive Director;

John Smith, Senior Project Manager, Alternative Strategies and Regulatory Affairs Division.





## MINUTES OF PROCEEDINGS

Meeting No. 126

Tuesday, June 1st, 1999

The Standing Committee on Environment and Sustainable Development met *in televised session* at 8:11 a.m. this day, in Room 253-D, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Joe Jordan, Karen Kraft Sloan, Rick Laliberté, David Pratt, Paddy Torsney.

*Acting Member present:* Clifford Lincoln for Sarkis Assadourian.

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses:* From the Pest Management Regulatory Agency: Dr. Claire Franklin, Executive Director; Charalyn Kriz, Director, Environmental Assessment Division; Dr. John Smith, Senior Project Manager, Alternative Strategies and Regulatory Affairs Division. From Health Canada: Rod Raphael, Acting Director General, Environmental Health Directorate, Health Protection Branch; Steve Clarkson, Acting Director, Bureau of Chemical Hazards, Environmental Health Directorate.

Pursuant to Standing Order 108 (2), the Committee commenced a study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health (See Minutes of Proceedings, Tuesday, April 27, 1999 (Meeting. No. 118)).

Dr. Claire Franklin made a statement and with Rod Raphael and John Smith answered questions.

At 10:02 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee





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**MINUTES OF PROCEEDINGS**

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**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 127**

**Wednesday, June 2, 1999**

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**ORDER OF THE DAY:**

Study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health

**WITNESSES:**

*Department of Fisheries and Oceans:*

Ronald C. Pierce, Director, Environmental Science Branch, Habitat Management and  
Environmental Science Directorate;

Gerry Swanson, Acting Assistant Deputy Minister, Oceans.

*Environment Canada:*

David Brackett, Director General, Canadian Wildlife Service;

Vic Shantora, Director General, Toxics Pollution Prevention Directorate.

*Natural Resources Canada:*

Richard A. Arseneault, Director, Office of Environmental Affairs, Assets Management and Administrative Services Branch, Corporate Services Sector;

Errol Caldwell, Director, Integrated Pest Management;

Carl Winget, Acting Director General, Science Branch, Canadian Forest Service.



## MINUTES OF PROCEEDINGS

Meeting No. 127

Wednesday, June 2, 1999

The Standing Committee on Environment and Sustainable Development met *in televised session* at 3:42 p.m. this day, in Room 253-D, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Aileen Carroll, Rick Casson, Yvon Charbonneau, Jocelyne Girard-Bujold, David Pratt, Paddy Torsney.

*Acting Member present:* Peter Stoffer for Rick Laliberté.

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses:* From Environment Canada: Vic Shantora, Director General, Toxics Pollution Prevention Directorate; David Brackett, Director General, Canadian Wildlife Service. From Natural Resources Canada: Errol Caldwell, Director, Integrated Pest Management; Dr. Carl Winget, Acting Director General, Science Branch, Canadian Forest Service; Richard Arseneault, Director, Office of Environmental Affairs. From Fisheries and Oceans: Gerry Swanson, Acting Assistant Deputy-Minister, Oceans; Dr. Ronald C. Pierce, Director, Environmental Science Branch, Habitat Management and Environmental Science Directorate.

Pursuant to Standing Order 108 (2), the Committee resumed its study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health (See Minutes of Proceedings, Tuesday, April 27, 1999 (Meeting. No. 118)).

Vic Shantora, Carl Winget and Gerry Swanson made statements and with Errol Caldwell, Ronald C. Pierce, David Brackett and Richard Arseneault answered questions.

At 5:41 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee



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**MINUTES OF PROCEEDINGS**

Standing Committee  
on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 128**

**Tuesday, June 8, 1999**

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**ORDER OF THE DAY:**

Study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health

**WITNESSES:**

*Canadian Food Inspection Agency:*

André Gravel, Vice-President, Programs;

Margaret Kenny, Acting Director, Office of Biotechnology.

*Department of Agriculture and Agri-Food:*

Bill Boddie, Acting Director, Cross Sectoral Policy Development Division, Policy Branch;

Frank Marks, Director, Southern Crop Protection and Food Research Centre, Research Branch;

Terence McRae, Senior Environmental Analyst, Environment Bureau;

Michael Presley, Director, Environment Bureau, Policy Branch.





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## MINUTES OF PROCEEDINGS

Meeting No. 128

Tuesday, June 8, 1999

The Standing Committee on Environment and Sustainable Development met at 9:13 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, Rick Laliberté, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for David Pratt.

*In attendance: From the Library of Parliament:* Monique Hébert, Researcher; Christine Labelle, Researcher.

*Witnesses:* From Agriculture and Agri-Food Canada: Bill Boddie, Acting Director, Cross Sectoral Policy Development Division, Policy Branch; Dr. Frank Marks, Director, Southern Crop Protection and Food Research Centre, London, Ontario, Research Branch; Michael Presley, Director, Environment Bureau, Policy Branch; Terence McRae, Senior Environmental Analyst, Environment Bureau. From the Canadian Food Inspection Agency: Dr. André Gravel, Vice-President, Programs; Margaret Kenny, Acting Director, Office of Biotechnology.

Pursuant to Standing Order 108 (2), the Committee resumed its study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health.

Bill Boddie and André Gravel made statements and with Michael Presley, Frank Marks, Margaret Kenny and Terence McRae answered questions.

At 11:31 a.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee



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**MINUTES OF PROCEEDINGS**

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on

**ENVIRONMENT AND SUSTAINABLE DEVELOPMENT**

Chairman: Charles Caccia, Lib.

**Meeting No. 129**

**Thursday, June 10, 1999**

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**ORDER OF THE DAY:**

Study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health

**WITNESSES:**

*Stop the Spraying:*

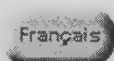
Mary E. Doody.

*World Wildlife Fund:*

Julia Langer, Director, Wildlife Toxicology Program.







## MINUTES OF PROCEEDINGS

Meeting No. 129

Thursday, June 10, 1999

The Standing Committee on Environment and Sustainable Development met at 9:10 a.m. this day, in Room 237-C, Centre Block, the Chair, Charles Caccia, presiding.

*Members of the Committee present:* Charles Caccia, Rick Casson, Yvon Charbonneau, Bill Gilmour, Jocelyne Girard-Bujold, John Herron, Karen Kraft Sloan, David Pratt, Paddy Torsney.

*Acting Members present:* Clifford Lincoln for Sarkis Assadourian and Peter Stoffer for Rick Laliberté.

*In attendance: From the Library of Parliament:* Christine Labelle, Researcher.

*Witnesses:* From the World Wildlife Fund: Julia Langer, Director, Wildlife Toxicology Program.  
From Stop the Spraying: Mary E. Doody Jones.

Pursuant to Standing Order 108 (2), the Committee resumed its study on the management and use of pesticides in Canada including an evaluation of the performance of the Pest Management Regulatory Agency in preventing pollution and in protecting the environment and human health (See Minutes of Proceedings, Tuesday, April 27, 1999 (Meeting. No. 118)).

The witnesses made statements and answered questions.

The Committee discussed its futures business.

Yvon Charbonneau moved, –That the Committee Travel to Sydney, Nova Scotia, on August 19.

After debate the question was put on the motion and it was negatived.

On a motion by Bill Gilmour, it was agreed –That the question of travel to Sydney, Nova Scotia, would be on the Committee's agenda for the first meeting in autumn.

At 12:01 p.m., the Committee adjourned to the call of the Chair.

Stephen Knowles  
Clerk of the Committee











